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HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5996 of 2017**

1. Anil Kumar Singh S/o. Satyendra Singh Rajput, Aged About 36 Years R/o Ghuta Purandar, Police Station Tandawa, District Aarangabad (Bihar) Present Address Ramagreen City Phase I I, D 243, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.
2. Arun Singh S/o Upendra Singh Rajput, Aged About 36 Years R/o Badem, Police Station Badem, District Aarangabad (Bihar), Present Address Ramagreen City Phase I I, D 243 Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Excise Circle Seepat, District Bilaspur, Chhattisgarh.

---- Respondent

 For Applicants : Shri Praveen Tulsyan, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

12.10.2017

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime (Excise) No.28/2017 registered by Investigating Agency, Excise Circle, Seepat Distt. Bilaspur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicants submits that the applicants have been arrested on 05.9.2017, charge sheet is not yet filed and the applicants are remanded by Chief Judicial Magistrate, Bilaspur. As per the allegation, from the joint possession of both the applicants, 75.75 bulk liters of foreign liquor has been seized. The

applicants are the first offenders, they will not commit any offence in future and as the trial may take some time for its conclusion, they may be granted bail during the trial.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicants and would submit that huge quantity of foreign liquor has been seized from the residential house of the applicants and also from a four wheeler bearing registration No.CG 22 AB 7173. The said vehicle was also seized. Looking to the entire facts and as the applicants are not the permanent resident of the State of Chhattisgarh, instant application for their release on bail may be dismissed. However, learned counsel for the State fairly conceded that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicants are in custody for one month and seven days, charge sheet is not yet filed, though both the applicants are not the residents of the State of Chhattisgarh, but this fact alone may not be sufficient to deny the bail as there is no criminal antecedent reported by the investigating agency in the case diary and it appears that both the applicants are presently residing in Ramagreen City, Phase-II, D-243 Police Station Sarkanda Bilaspur, after consideration of the entire facts as the trial may take some time for its conclusion, I am inclined to grant one last opportunity to the applicants so that they will not commit any offence in future and shall remain peacefully in the society.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- each with two separate solvent sureties of Rs. 50,000/- to the satisfaction of trial Judge for their appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

10. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance before the Station House Officer/IO, Police Station/Excise Circle Seepat, Distt. Bilaspur (CG) **on every Monday at 11.00 am**. It is further made clear that if the applicants fails to do so, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicants shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE

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