

(2017) 05 CHH CK 0024
In the Chhattisgarh High Court
Case No : 2650 of 2017

Navin Kumar Dhruv & Ors.

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 11-05-2017

Acts Referred:

Code of Criminal Procedure, 1973, Section 439 - Special powers of High Court or Court of Session regarding bail
Chhattisgarh Excise Act, 1915, Section 34(2)

Citation : (2017) 05 CHH CK 0024

Hon'ble Judges : Chandra Bhushan Bajpai

Bench : Single Bench

Advocate : Vikas Shrivastava, Neeraj Jain

Judgement

1. 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 No.49/2017, registered at Police Station Gariaband, Civil Distt. Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Case of the prosecution, in brief, is that 8.820 bulk liters of country liquor was seized by the police from applicant No.1 along with motorcycle No.CG 04 LD 0528 while travelling along with applicants 2 and 3.
4. Learned counsel for the applicant submits that police had arrested all the 3 applicants. Applicants are aged about 23 years, 19 years and 18 years respectively and they are in jail since 28.3.2017. Charge sheet has not been filed and they are remanded by the CJM Gariyaband. They are the first offender, they will not commit any offence in future, therefore, they may be granted bail during trial.
5. On the other hand, learned counsel for the State opposes the bail application.

However, he fairly conceded that there is no material against the applicants for involvement in any offence.

6. I have heard the counsel appearing for the parties.

7. On due consideration, as the applicants are in jail since 1 month and 15 days, charge sheet is not filed, the applicants are first offender, young boys aged about 23 years, 19 years and 18 years; they will not commit any offence in future; trial will take some time and considering the quantity of liquor so seized, I am inclined to grant one last opportunity to the applicants so that they may not commit any offence in future and shall remain in the society peacefully.

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

9. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the CJM, Gariyaband (CG) for their appearance before the said trial Court as and when directed.

10. 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.

11. Applicant No.1 is further directed to submit authenticated copy of the registration certificate and insurance copy of the said vehicle if in his possession and if not then to disclose in whose name the vehicle is registered or copy of the possession of the vehicle at the time of furnishing bail bond. Certified copy as per rules.