

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2405 of 2017**

1. Laxman Goswami S/o Shri Gautam Goswami Aged About 30 Years  
R/o Village Uparwara, Police Station Rakhi, Tahsil Abhanpur, District  
Raipur, Chhattisgarh.
2. Punit Yadav S/o Shri Shiv Yadav Aged About 36 Years R/o Village  
Nawagaon, Sector- 27, Police Station Rakhi, Naya Raipur, District  
Raipur, Chhattisgarh.

---- Applicants

**Versus**

State Of Chhattisgarh Through Excise Circle Abhanpur, District Raipur,  
Chhattisgarh.

---- Respondent

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| For applicant        | Mrs. Ranjana Jaiswal, Adv. |
| For Respondent/State | Mr. Anant Bajpai, PL.      |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****3/5/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 14-3-2017 in connection with Crime No. 621/2017 registered by Excise Circle, Abhanpur, Distt. Raipur (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicants submits that after investigation charge sheet has been filed and the matter is pending before the CJM, Raipur. They will not commit any offence in future if granted bail. They may be granted bail as the trial may take time. As per allegation, 7.200 bulk litre country liquor has been seized from the joint possession of the applicants without any licence or permission. Therefore, the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposed the bail application and submits that earlier Crime No. 29/2016 for offence under Section 34(2) of the CG Excise Act has been registered against the applicant

in which 6.300 litre liquor from A-1 was seized however against A-2 no crime is reported in the case diary.

5. Perused the material available.
6. On due consideration, as the applicants are in jail for last 1 and half months and looking to the quantity of the liquor so seized and as submitted that they will not commit any offence in future, I am inclined to grant one opportunity to the applicants to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM Raipur for their appearance before the said Court till disposal of the trial regularly as and when directed by the said Court.
7. 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: (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. CC as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**