

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2536 of 2017**

1. Indrajeet Tiwari S/o Shri Devendra Tiwari, Aged About 21 Years, R/o Aajad Chowk, Beergaon, Police Station- Urla, Tahsil & District (Revenue & Civil)- Raipur, Chhattisgarh. M- 9425262850
2. Amit Rai S/o Shri Devendra Rai, Aged About 21 Years, R/o Aajad Chowk, Beergaon, Police Station- Urla, Tahsil & District (Revenue & Civil)- Raipur, Chhattisgarh. M- 9425262850

**---- Applicants**

**Versus**

1. State of Chhattisgarh Through Station House Officer, Police Station- Urla, District Raipur, Chhattisgarh.

**---- Non-applicants**

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For Applicants – Shri Yogesh Chandra Pandey, Advocate.  
For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**08-05-2017**

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.78/2017 on 24-3-2017 by P.S. Urla, District- Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicants are remanded by the JMFC Raipur, C.G. This is their first bail application. The applicant are first offender. As per the allegation, the applicants were carrying liquor on a motorcycle. Police during investigation seized the said motorcycle CG 04 LK 8045 from applicant No.1 Indrajeet Tiwari and 5.760 bulk liter liquor from applicant No.2 Amit Rai. They will not commit any offence in future. They may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants, though fairly conceded that Urla police had not noticed any earlier criminal antecedent of the applicants.
4. Perused the entire material.

5. On due consideration, as both the applicants are in jail since one and ½ months, charge sheet has not yet been filed, trial may take some time and looking to the quantity of liquor so seized 5.760 bulk liter and there was no any criminal past of both the applicants, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any offence and remain peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Raipur, C.G. for their appearance before the said trial Court as and when directed till trial.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. Certified copy as per rules.

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