

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1541 of 2017**

1. Gairdlal S/o Ashok Kumar Lodhi, Aged About 19 Years R/o Village Khilorakala Police Station Ghotha, Police Station Dhamdha, District Durg Chhattisgarh
2. Bhim Yadav, S/o Rupkaran Yadav, Aged About 24 Years R/o Village Khilorakala, Police Station Ghotha, Police Station Dhamdha, District Durg Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through District Magistrate Durg District Durg Through Excise Police Durg City (East) Chhattisgarh District Durg Chhattisgarh

---- Respondent

For Applicants	Mr. A.C. Sahu, Adv.
For Respondent/State	Mr. Vinod Teakam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27/03/2017**

1. Heard finally.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants, who have been arrested in connection with Crime No. 387/2017 registered at Police Station Excise Circle Durg City (East), District Durg (CG) for the offence punishable under Sections 34(2) of the Excise Act, 1915.
3. Learned counsel for the applicants would submit that both the applicant are in jail since 12.1.2017 till date as they are arrested in connection with illicit possession of 18 Bulk Litres of duty paid country liquor. He submits that charge sheet is yet to be filed. The applicants are the first offenders and are local residents; they will not misuse the liberty and will not commit any crime in future, therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposed the bail application.

5. Perused the material available on record.
6. After due consideration looking to the facts as surfaced, I am inclined to grant bail to the applicants.
7. 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. 20,000/- with one solvent surety each of the like sum to the satisfaction of the concerned remand Judge/trial Judge i.e. J.M.F.C. Durg (CG) for their appearance before the said trial Court as and when directed by the said Court.
8. 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 does 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.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge