

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1912 of 2017**

1. Tomesh S/o Santosh Satnami Aged About 20 Years
2. Trilokchand S/o Peela Satnami, Aged About 21 Years

Both R/o Village Pari, Post Beejabhaat, Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For applicants	Mr. P.P. Sahu, Adv.
For Respondent/State	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06/04/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 135/2017 registered in PS Bemetara, Distt. Bemetara, CG for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915. Charge sheet has not been filed. The applicants are in jail under the order of Chief Judicial Magistrate, Bemetara.
3. Learned counsel for the applicants submits that the applicants are the first offenders. No criminal antecedent is reported by the police against them in case diary. As per prosecution case, the applicants were found in joint illegal possession of 18 litre of liquor without any licence or permission. If bail is granted, they will not repeat the offence. Therefore, the applicants may be enlarged on bail.
4. Learned State counsel opposes the bail application. However he fairly conceded that no criminal antecedent of the applicants is reported in the police case diary.

5. Perused the case diary.
6. On due consideration, as the applicants are the first offenders with no criminal antecedent, I am inclined to allow instant MCRC. 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. 50,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate, Bemetara for their appearance before the said Court 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 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