

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2000 of 2017

1. Bashant S/o Hiranman, Aged About 42 Years, R/o Village Nipani, Police Station & District Balod, Chhattisgarh.
2. Ritesh S/o Shri Dhuni Dubey, Aged About 33 Years, R/o Village Nipani, Police Station & District Balod, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through S H O Police Station Balod, District Balod, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.86/17 by Balod police, Distt. Balod, C.G. for the offence under Section 34(2) of the C.G. Excise Act. Applicant No.1 was arrested on 12-03-2017 and applicant No.2 was arrested on 11-03-2017. The charge sheet has not yet been filed and the applicants are remanded by the CJM Balod, C.G. This is the first bail application. No other involvement of the applicants in the similar offence is reported. As per the allegation, the applicants were engaged in selling liquor, when the villagers reached to the spot both the applicants ran away from the spot leaving behind the liquor 6.840 M.L. which was seized and thereafter the applicants were arrested. 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 and in addition would submit that one matter under Section 36(c) of the Excise Act, one matter under Section 34(1)(a) of the Excise Act and two matter in relation with preventive

action, i.e., under Section 107, 116 of the Cr.P.C. has been registered against applicant No.1, it goes to show the conduct of applicant No.1 and also as both the applicants ran away from the spot and they were engaged in selling of liquor illegally, hence, the petition may be dismissed.

4. Perused the material.

5. On due consideration, as the applicants are in jail for about 1 month, they have submitted that they will not commit any offence in future, I am inclined to grant one opportunity to the applicants so that they shall not commit any offence in future of similar nature or any other offence and defend them in accordance with law. 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 Chief Judicial Magistrate Balod, C.G. for their appearance before the said trial Court as and when directed till conclusion of the 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