

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2059 of 2017**

1. Mukesh Mahanand S/o Shri Fakira Mahanand, Aged About 22 Years R/o Santoshi Nagar, Raipur, District Raipur, Chhattisgarh.
2. Siddharth Naydu, S/o Shri, Kishore Naydu, Aged About 21 Years R/o Santoshi Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer Police Station
Telibandha, Raipur District- Raipur, Chhattisgarh.

---- Respondent

For applicants	Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	Mr. Neeraj Sharma, Dy. GA.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18/04/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 12-3-2017 in connection with Crime No. 100/2017 registered in PS Telibandha, Raipur (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicants submits that this is first bail application. The applicants are first offenders. They are in custody from 12-3-2017. As per allegation, they are found in conscious joint possession of 7.80 bulk litre of beer. It is submitted that if bail is granted to them, they will not repeat the offence. They may be enlarged on bail.
4. Per contra, learned State counsel opposed the bail application however fairly submits that no criminal antecedent is reported in the case diary against the applicants.
5. Perused the material available.
6. On due consideration of the fact that the applicants are in jail for last

one month and 6 days till date, no criminal antecedent of the applicants is reported in the police case diary and looking to the quantity of beer so seized, I am inclined to allow the application. 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the CJM, Raipur 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