

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2199 of 2017**

1. Lukas Uraon S/o Sohan Uraon Aged About 27 Years R/o Village-Rumkera, Police Station Gharoghoda District Raigarh Presently, R/o Parsa Police Station Udaipur Tahsil Ambikapur District Surguja, Chhattisgarh.
2. Prahladchand Rajwade S/o Lachan Ram Rajwade Aged About 23 Years R/o Village Kotal, Police Station Tahsil Premnagar, District Surajpur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Premnagar, District Surajpur, Chhattisgarh.

---- Respondent

For applicants	Mr. Shaktiraj Sinha, Adv.
For Respondent/State	Mr. Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27/04/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 3-3-2017 in connection with Crime No. 26/2017 registered in PS Premnagar, Surajpur (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicants submits that after investigation, charge sheet has been filed and the same is pending before the CJM, Surajpur as Criminal Case No. 1571/2017. As per allegation, applicants were transporting 17.280 bulk litre liquor on a motorcycle. From the applicant No. 1 Lukas Uraon, 17.280 bulk litre liquor has been seized and from the applicant No. 2 Prahladchand Rajwade motorcycle bearing registration no. CG 15 CL 5398 has been seized. They are first offender. They will not commit any similar offence in future. This is their first bail application before this court. Therefore, they may be granted bail.

4. Per contra, learned State counsel opposed the bail application however fairly submits that no criminal antecedents is reported in the case diary against the applicants.
5. Perused the material available.
6. On due consideration, as both the applicants are in jail for last one month and 24 days till date, charge sheet has been filed, there is no criminal antecedent reported by police against the applicants, 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM Surajpur for their appearance before the said trial Court till disposal of the trial 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 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