

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2179 of 2017

1. Nand Kishor Yadav S/o Shri Ashok Yadav, Aged About 28 Years, R/o Village Dhamni, Block Bilha Thana Chakarbhata Camp District Bilaspur, Chhattisgarh.
2. Rajesh Kewat S/o Shri Pilauram Kewat, Aged About 18 Years, R/o Village Dhamni, Block Bilha Thana Chakarbhata Camp District Bilaspur, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station-City Kotwali, District- Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Sandeep Singh, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.93/2017 on 12-03-2017 by P.S. City Kotwali, District Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has yet not been filed. The applicants are in jail by the order of the JMFC Bilaspur, C.G. This is the first bail application. The applicants are the first offender and as per the allegation, police seized 18 liter liquor from the joint conscious possession of the applicants. The motorcycle CG 10 Y 1685 is also seized. They will not commit any offence in future. They may be granted bail so that they may defend the case registered against them in bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants though fairly submitted that police had not collected any material regarding earlier criminal antecedent of

the applicants.

4. Perused the entire material.

5. On due consideration, as the applicants are in jail for 1 month and 6 days till date, they are the first offender, they are having no criminal antecedent and looking to the total quantity of liquor seized from the joint conscious possession of the applicants, I am inclined to grant one last opportunity to the applicants so that they shall not involve in any of the similar offence and remain peacefully in society and face the trial. 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 Judicial Magistrate First Class Bilaspur, C.G. for their appearance before the said trial Court as and when directed.

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