

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2232 of 2017**

1. Deepak Vahne S/o Late Govind Lal Vahne, Aged About 24 Years
2. Dilip S/o Santram Aged About 22 Years

Both are R/o Ward No. 5, Than Khamhariya, Police Station & Tahsil- Than Khamhariya, District- Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Than Khamhariya , District- Bemetara, Chhattisgarh.

---- Respondent

For applicant	Mr. Vivek Sharma, Adv.
For Respondent/State	Mr. Vasim Miyan, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24/04/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 2-1-2017 in connection with Crime No. 4/2017 registered in PS Than Khamhariya, Distt. Bemetara (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicants submits that after investigation, charge sheet has been filed which is registered as Criminal Case No. 83/2017 and pending before the CJM, Bemetara. This is a first bail application. The applicants are not involved in any of the similar offence. As per allegation, from the joint possession of both the applicants, 15.300 litre liquor has been seized. They will not commit any similar offence in future. Therefore, they may be granted bail.
4. Per contra, learned State counsel opposes 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, looking to the facts that both the applicants are in jail for last 2 months and 22 days, police has completed the investigation and filed charge sheet, trial may take time, the applicants are not having any criminal antecedent, 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, 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 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