

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2284 of 2017**

1. Faguram Yadav S/o Feruram Yadav, Aged About 30 Years Mo. 9669423306
2. Baldau Dhruw, S/o Late Dashrath Dhruw, Aged About 28 Years  
both R/o Village Gullu, Police Station - Arang, District- Raipur, Chhattisgarh.  
Mo 8223072530

**---- Applicants****Versus**

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

**---- Respondent**


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| For applicants       | Mr. L.C. Das, Adv.  |
| For Respondent/State | Mr. Vasim Miyan, PL |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****26/04/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 21-3-2017 in connection with Crime No. 137/2017 registered in PS Arang, Distt. Raipur (CG) for offence punishable under Section 34 sub-section (2) of the IPC.
3. Learned counsel for the applicants submits that after investigation, charge sheet has been filed and the same is pending before JMFC, Raipur as Criminal Case No. 3332/2017. The applicants are languishing in jail since last 1 month and 5 days. Both the applicants are first offender. This is their first bail application before this Court. As per allegation, from their joint conscious possession, 8.640 litre foreign liquor has been seized. They will not commit any offence in future. Therefore, they may be granted bail.
4. Per contra, learned State counsel opposed the bail application, however fairly conceded that no criminal antecedents is reported in the case diary against the applicants.

5. Perused the material available.
6. On due consideration, as the applicants are in jail for last one month and 5 days till date, they are first offender and as submitted they will not commit any offence in future, the liquor seized from their possession is 8.640 litre, 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 JMFC, Raipur for their appearance before the said 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**