

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2330 of 2017**

1. Lakhan Kumar Sarthi S/o Shri Shyam Lal Sarthi, Aged About 19 Years
2. Rajiv Kumar Sarthi, S/o Sukhsai Sarthi, Aged About 25 Years
(Wrongly Mentioned As Bhukhsai In The Cause Title)

Both R/o Village Bayang, Police Station Kotra Road, District Raigarh CG

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Kotra Road, District Raigarh Chhattisgarh

---- Respondent

For applicant	Mr. Ashish Gupta, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL.

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 22-3-2017 in connection with Crime No. 54/2017 registered in PS Kotra Road, Distt. Raigarh (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicants submits that charge sheet is not filed till date. The applicants are remanded by the CJM, Raigarh. The applicants are languishing in jail from 22-3-2017. As per allegation, from joint conscious possession of the applicants 5.545 litre country liquor and hand made liquor has been seized. They are first offender. They will not commit any similar offence in future. Therefore, they may be granted bail.
4. Per contra, learned State counsel opposed the bail application however fairly concedes that no criminal antecedents is reported in the case diary against the applicants.

5. Perused the material available.
6. Looking to the fact that the applicants are in jail since 22-3-2017, charge sheet is not filed, looking to the quantity of liquor so seized from the applicants and age of 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the CJM, Raigarh 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