

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2351 of 2017**

1. Sunil Kumar S/o Babulal Patel, Aged About 28 Years
2. Bhanupratap Sahu, S/o Ganesh Ram Sahu, Aged About 31 Years

Both are R/o Village Lahod, Police Chowki Lawan, Police Station Kasdol,
District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Office, Police Chowki
Lawan, Police Station Kasdol, District Baloda Bazar Bhatapara CG

---- Respondent

For applicant	Mr. S.K. Guha, Adv.
For Respondent/State	Mr. Vasim Miyan, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01/05/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested 27-3-2017 in connection with Crime No. 113/2017 registered in Out Post Lawan, PS Kasdol, Distt Baloda Bazar-Bhatapara (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act
3. Learned counsel for the applicants submits that charge sheet is not yet filed. The applicants are remanded by CJM, Baloda Bazar, they are in jail since more than 1 month and 4 days. As per allegation, 17.280 bulk litre foreign liquor has been seized from applicant No. 2 Bhanupratap and the motorcycle on which the liquor was transported has been seized from applicant no. 1 Sunil Kumar. It is submitted that if bail is granted, the applicants will not commit any offence in future. This is their first bail application before this Court and they are first offender. Hence bail may be granted.
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 the applicants are in jail for last one month and 4 days, quantity of liquor seized from the applicants, the applicants are the first offender and as submitted they will not commit any offence in future, 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, Baloda Bajar 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. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge