

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2533 of 2017

1. Krishna S/o Ram Yadav, Aged About 40 Years, R/o Village Birejhar Police Station Somani, District- Rajnandgaon, Chhattisgarh.
2. Pradeep Yadu, S/o Neel Kanth, Aged About 46 Years, R/o Village Birejhar Police Station Somani, District- Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through Police Station Somani, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Aditya Bhardwaj, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.44/2017 on 30-3-2017 by P.S. Somani, District- Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicants are remanded by the CJM Rajnandgaon, C.G. They are first offender. As per the allegation, both the applicants were carrying 16.725 bulk liter country liquor in a motorcycle. Police during investigation seized the said motorcycle bearing registration No. CG 07 J 2860 from applicant No.2 Pradeep Yadu and seized the entire country liquor from applicant No.1 Krishna. They will not commit any offence in future. They may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants, though fairly conceded that there is no any earlier criminal antecedent of both the applicants prior to the incident.
4. Perused the entire material.
5. As both the applicants are in jail since one month and 10 days, charge

sheet has not yet been filed, the vehicle is also seized during investigation and as the applicants never involved earlier in any offence, I am inclined to grant one last opportunity to the applicants so that they shall not involve themselves in any offence in future and remain peacefully in society. 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Rajnandgaon, C.G. for their appearance before the said trial Court as and when directed till trial.

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