

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2534 of 2017

1. Raju Kashyap S/o Santosh Kashyap Aged About 21 Years, R/o Darrighat, Police Station- Masturi, District- Bilaspur, Chhattisgarh.
2. Rakesh Yadav S/o Kartikram, Aged About 19 Years, R/o Darrighat, Police Station- Masturi, District- Bilaspur, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through: Station House Officer Torwa, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicants – Shri U.K.S.Chandel, 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.109/2017 on 30-3-2017 by Torwa police, District- Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, both the applicants are remanded by the Special Railway Magistrate Bilaspur, C.G. This is their first bail application. They are first offender. As per the allegation, the Torwa police seized motorcycle CG 10 NC 1524 and 9 bulk liter liquor from applicant No.1 Raju Kashyap and 9 bulk liter liquor from applicant No.2 Rakesh Yadav. They will not involve in 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 the applicants had not involved earlier in any of similar offence.
4. Perused the entire material.
5. On due consideration, as both the applicants are in jail since one month and 10 days till date, the liquor and motorcycle as aforementioned has been seized from the applicants, they were not involved in any similar or other

offence prior to the incident, charge sheet has not yet been filed, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any offence 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 Special Railway Magistrate Bilaspur, 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