

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2437 of 2017

1. Lalit Kumar Vasnik S/o Badrinath Vasnik, Aged About 26 Years, Caste- Mahar, R/o Village- Jhika, Police Station Arjuda, District- Balod, Chhattisgarh, Presently R/o Ambedkar Chowk Mainpur, Tehsil, Post & Police Station Mainpur, District- Gariyaband, Chhattisgarh.
2. Nand Lal Vasnik S/o Chain Singh Vasnik, Aged About 39 Years, Caste- Mahar, R/o Village- Jhika, Police Station Arjuda, District- Balod, Chhattisgarh, Presently R/o Ambedkar Chowk Mainpur, Tehsil, Post & Police Station Mainpur, District- Gariyaband, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through, Police Station- Mainpur, District- Gariyaband, Chhattisgarh.

--- Non-applicant

For Applicants – Shri Wasim Miyan, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.25/2017 on 29-3-2017 by P.S. Mainpur, Civil District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet against both the applicants which is pending before the CJM Gariyaband, C.G. as Criminal Case No.334/17. The applicants are in jail since one month and 6 days till date. As per the allegation, from applicant No.1 Lalit Kumar Vasnik 9 bulk liter country liquor has been seized and from applicant No.2 Nand Lal Vasnik motorcycle CG 04 DL 3316 has been seized which was being used for the transportation of liquor. The applicants 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 Mainpur police had not noticed any earlier criminal antecedent of the

applicants.

4. Perused the entire material.

5. On due consideration, looking to the period of detention of one month and 6 days of the applicants, they are the first offender, the charge sheet has been filed, trial may take some time and as submitted, the applicants shall not involve in any of the offence now, I am inclined to grant one opportunity to the applicants so that they shall not commit any offence in future and remain in society peacefully. 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 Gariyaband, C.G. for their appearance before the said trial Court as and when directed till the 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