

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2474 of 2017**

1. Puran Sahu S/o Kheduram Sahu, Aged About 27 Years R/o Village Beltara, Police Station Khamhariya, District- Bemetara, Chhattisgarh.
2. Kesho Ram S/o Balu Sahu, Aged About 30 Years R/o Village Thelka, Police Station Saja (Khamhariya), District- Bemetara, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Throug: Station House Officer, Police Station
Gandhi, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For applicants	Mr. Abhishek Sharma, Adv.
For Respondent/State	Mr. Neeraj Mehta, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****4/5/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 30-3-2017 in connection with Crime No. 69/2017 registered in PS Gandai, Distt. Rajnandgaon (CG) for offence punishable under Section 34 (2) of the CG Excise Act.
3. Learned counsel for the applicants submits that charge sheet is not filed, the applicants are remanded by the ACJM, Khairagarh. They will not commit any offence in future if granted bail. They are first offenders. As per allegation, A-2 Kesho Ram was driving the Pick-up vehicle bearing registration No. CG 10 C 8070. In the said vehicle, A-1 was also travelling. From possession of A-1 police seized 18 bulk litre liquor and from A-2 said Pick-up vehicle was seized. The trial may take time. Therefore, the applicants may be enlarged on bail.
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 the first offender with no criminal antecedent, they are in jail for last 1 month and 6 days, said vehicle has been seized, I am inclined to grant one opportunity to the applicants to live peacefully in the society without committing any crime. 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.40,000/- with one solvent surety of the like sum to the satisfaction of the ACJM, Khairagarh 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