

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2469 of 2017**

1. Amarsingh S/o Bhekhu Ram Singh Kashyap, Aged About 27 Years
2. Om Prakash, S/o Jeevan Nishad, Aged About 22 Years

Both R/o Village Gariyaband, Police Station & District Gariyaband CG

---- Applicants

Versus

State Of Chhattisgarh through Police Station Gariyaband District
Gariyaband Chhattisgarh

---- Respondent

For applicant	Mr. C.R. Sahu, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04/05/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 31-3-2017 in connection with Crime No. 58/2017 registered in PS Gariyaband, Distt. Gariyaband (CG) for offence punishable under Section 34 sub-section (2) of CG Excise Act.
3. Learned counsel for the applicants submits that charge sheet is not filed, the applicants are remanded by the CJM Gariyaband. They will not commit any offence in future if granted bail. They may be granted bail as the trial may take time. As per allegation, both the applicants were carrying 8.640 bulk litre foreign liquor which was ultimately seized from applicant No. 1 and Applicant No. 2 is also arrested and made accused on the ground that both were carrying the aforementioned liquor. They are innocent hence they may be granted 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 and looking to the quantity of liquor, 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the CJM Gariyaband 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.

Sd/-
(Chandra Bhushan Bajpai)
Judge