

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2581 of 2017**

1. Nand Kumar S/o Krishna Kumar Dhruv, Aged About 22 Years R/o Village Khursipar, Thana Gariyaband, District- Gariyaband, CG.
2. Roshan Sen S/o Seetaram Sen Aged About 27 Years R/o Village Khurispar, Thana Gariyaband, District- Gariyaband, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Though Police Station, Gariyaband, District-
Gariyaband, Chhattisgarh

---- Respondent

For applicants	Mr. Kunal Das, Adv.
For Respondent/State	Mr. O.P. Sahu, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****9/5/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested 29-3-2017 in connection with Crime No. 52/2017 registered in PS Gariyabandh (CG) for offence punishable under Section 34 sub-section (2) of the IPC.
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 are first offenders. They may be granted bail as the trial may take time. As per allegation, Applicant No. 1 Nand Kumar was driving motorcycle bearing registration No. CG 04 KT 9427 and Applicant No. 2 Roshan Sen was carrying 8.820 bulk litre country liquor. Police seized said liquor and motorcycle along with Rs. 500/- from Applicant No. 1 and arrested both of them in the matter.
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 12 days, charge sheet is not filed, the quantity of the liquor seized in the mater, 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM Gariyaband 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