

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2520 of 2017**

1. Bhuneshwar Ram Sahu S/o Tirath Ram Sahu, Aged About 52 Years
2. Umend Sahu, S/o Kashiram Sahu, Aged About 42 Years

Both R/o Village Parsadakala, Police Station Fingeshwar District Gariyaband Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Fingeshwar, District Gariyaband Chhattisgarh

---- Respondent

For applicant	Mr. Vasim Miyan, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26/04/2017**

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. 32/2017 registered in PS Fingeshwar, Distt. Gariyaband (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicants submits that the applicants are languishing in jail since last 30-3-2017. As per allegation, both the applicants were going on a motorcycle being driven by A-1 Bhuneshwar Ram Sahu and A-2 Umend Sahu was carrying 19.630 bulk litre country liquor. The vehicle was seized from A-1 and liquor was seized from A-2. They are first offender. They will not commit any offence in future. Therefore, they may be granted bail.
4. Per contra, learned State counsel opposed the bail application however fairly submits that Fingeshwar has not noticed any earlier involvement of the applicants in any offence.
5. Perused the material available.

6. On due consideration, as both the applicants are in jail for last 27 days till date, charge sheet is not yet filed, though the quantity of liquor both the applicants were carrying is on higher side but as there was no criminal antecedent reported against the applicants, I am inclined to allow the application. 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 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.

Sd/-
(Chandra Bhushan Bajpai)
Judge