

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2857 of 2017**

1. Manhar Sahu S/o Ratnakar Sahu, Aged About 30 Years R/o Shankarpara, Near Kaleem Pan Thela, Supela, Bhilai District Durg CG
2. Sanjay Sahu, S/o Mahavir Sahu, Aged About 42 Years R/o Krishna Nagar Near Shiv Mandir Bhilai, Tehsil And District Durg CG

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate District Durg CG

---- Respondent

For applicants	Mr. S.K. Agrawal, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17/5/2017**

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. 264/17 registered in PS Supela, Distt. Durg (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicants submits that after investigation police has filed charge sheet against applicants which is pending before the CJM Durg as Criminal Case No. 3527/2017. This is their first bail application before this Court. The applicants are first offender. 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 in a two wheeler. Police seized the said two wheeler and liquor from both the applicants. 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, they are in jail for last 1 month and 18 days, looking to the quantity of liquor so seized and as submitted they will not commit any offence in future, 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 Durg 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