

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2599 of 2017

1. Gajendra Dhruv S/o Asha Ram Dhruv, Aged About 22 Years, R/o Village- Madeli, Post Office & Police Station- Chhura, District- Gariyaband, Chhattisgarh.
2. Sonu Kumar S/o Dawat Kamar, Aged About 20 Years, R/o Village- Madeli, Post Office & Police Station- Chhura, District- Gariyaband, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station- Chhura, District- Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

09-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.44/2017 on 30-3-2017 by Chhura police, Civil District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, both the applicants are remanded by the CJM Gariyaband, C.G. Trial may take some time. The applicants are first offender. This is the first bail application. As per the allegation, from joint possession of both the applicants police had seized 9 bulk liter liquor and a motorcycle bearing registration No. CG 04 CX 2873. They will not commit any offence in future. They may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants, though fairly conceded that the applicants are not having any criminal past prior to the incident.
4. Perused the entire material.
5. On due consideration, looking to the facts that the applicants are in jail since 1 month and 11 days, charge sheet has not yet been filed, trial may take

some time, they are first offender, no any criminal antecedent of the applicants is reported and looking to the quantity of the liquor so seized from joint possession of both the applicants, I am inclined to grant one opportunity to the applicant so that they shall not involve now in any offence and remain peacefully in society. Consequently, the instant MCRC is hereby 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 Chief Judicial Magistrate Gariyaband, C.G. for their appearance before the said trial Court as and when directed till trial.

6. 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; and (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.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE