

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2566 of 2017

1. Khemraj Sinha S/o Yogeshwar Sinha, Aged About 26 Years, R/o Gitpahar, Police Station & Tahsil- Charama, District- North Bastar Kanker, Chhattisgarh.
2. Anil Patel S/o Salikram Patel, Aged About 22 Years, R/o Gitpahar, Police Station & Tahsil- Charama, District- North Bastar Kanker, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station- Charama, District- North Bastar Kanker, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Vasant Zokarkar, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

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.83/2017 on 31-3-2017 by Charama police, District- North Bastar Kanker, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. The applicants are first offender. This is first bail application. No any earlier criminal antecedent of the applicants is reported. As per the allegation, applicant No.1 Khemraj Sinha was driving the motorcycle CG 05 10 1256, applicant No.2 Anil Patel was sitting as pillion rider and carrying 6.300 bulk liter foreign liquor. The said motorcycle and liquor has been seized from applicant No.1 Khemraj Sinha. Copy of the registration book of the concerned motorcycle is also seized from father of applicant No.1 and both the applicants were made accused as they were jointly carrying the liquor. They will not commit any offence in future. They may be granted bail during trial. Charge sheet has been filed after investigation, the same is pending before the CJM Kanker, C.G. as Criminal Case No.372/2017.
3. Per contra, learned counsel for the non-applicant/State opposed the

argument advanced on behalf of the applicants, though fairly conceded that Charama police had not found any earlier involvement of both the applicants prior to the incident in similar or other offence.

4. Perused the entire material.

5. On due consideration, as the applicants in jail since 1 month and 11 days, charge sheet has been filed, trial may take some time and looking to the quantity of liquor so seized which was carrying by both the applicants and ultimately seized from applicant No.1 Khemraj Sinha, I am inclined to grant one opportunity to both the applicants so that they shall not involve themselves in any similar or other offence in future and shall live 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.30,000/- with one solvent surety of the like sum to the satisfaction of Chief Judicial Magistrate Kanker, 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