

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2596 of 2017**

1. Heeralal Kurre S/o Dukhram Kurre, Aged About 43 Years Occupation Labour
2. Teckchand S/o Dukuram Kurre, Aged About 27 Years Occupation Labour,

Both are R/o Viillage Firgi, Police Station- Tendukona, District- Mahasamund, CG.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer Police Station- Tendukona District- Mahasamund, Chhattisgarh.

---- Respondent

For applicant	Mr. Vikas Pradhan, Adv.
For Respondent/State	Mr. Vasim Minay, PL.

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 on 30-3-2017 in connection with Crime No. 20/2017 registered in PS Tendukona, Distt. Mahasamund (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicants submits that charge sheet is not filed, the applicants are remanded by the CJM Mahasamund. They will not commit any offence in future if granted bail. They are first offender. They may be granted bail as the trial may take time. As per allegation, both the applicants were carrying 18 bulk litre country liquor in a motorcycle bearing registration No. CG 04 DS 1875. Tendukona police seized the liquor and the said motorcycle from the joint possession of the applicants.
4. Per contra, learned State counsel opposed the bail application and submits that earlier applicant no. 1 Heeralal Kurre was involved in the

year 2014 in the offence punishable under the relevant provisions of Gambling Act.

5. Perused the material available.
6. On due consideration of the fact that the applicants are in jail for last 1 month and 11 days and charge sheet is not yet filed, the applicants were not involved in similar offence earlier, though under the Gambling Act one matter has been registered against A-1 in the year 2014, 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. 40,000/- with one solvent surety of the like sum to the satisfaction of the CJM Mahasamund 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