

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2735 of 2017

1. Roshan Sonvani S/o Shri Gopal Sonvani, Aged About 35 Years, R/o Gram- Nahargaon, P.S. Gariyabandh, District Gariyabandh Chhattisgarh
2. Virendra Patwa S/o Shri Mohit Patwa, Aged About 35 Years, R/o Gram Nahargaon, P.S. Gariyabandh, District Gariyabandh Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through P.S. Gariyabandh, Civil & Revenue District Gariyabandh Chhattisgarh

---- Non-applicant

For Applicants – Shri Anjinesh Shukla, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

16-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.53/17 on 29-03-2017 by P.S. Gariyabandh, Civil District Raipur, C.G. for the offence under 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicants are remanded by the CJM Gariyabandh, C.G. The applicants are first offender. They will not commit any offence in future. As per the allegation, the applicants were traveling in a motorcycle CG 04 CX 8497 along with 8.820 bulk liter country liquor. Police during investigation seized the said liquor from applicant No.1 Roshan Sonvani and seized the motorcycle from applicant No.2 Virendra Patwa. They may be granted an opportunity to remain in bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants.
4. Perused the entire material.
5. On due consideration, as the applicants are in jail since one month and 19 days till date, charge sheet has not yet been filed, trial may take some time,

the applicants are first offender, they had no earlier criminal past, and looking to the quantity of liquor so seized, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any crime 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Gariyabandh, C.G. for their appearance before the said trial Court as and when directed by the trial Court.

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