

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2705 of 2017

1. Tuleshwar Dewangan S/o Phulsingh Dewangan, Aged About 35 Years, R/o Village- Dhourabhata, Post Office & Police Station Magarlod, Tahsil-Kurud, District- Dhamtari, Chhattisgarh.
2. Thakur Ram Kanwar, S/o Bistruram Kanwar, Aged About 48 Years, R/o Village Dhourtabhata, Post Office & Police Station- Magarlod, Tahsil Kurud, District Dhamtari, Chhattisgarh.

---- Applicants

Versus

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

---- Non-applicant

For Applicants – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.32/2017 on 31-3-2017 by P.S. Panduka, Civil District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has been filed, the same is pending before the CJM Gariyaband, C.G., but learned counsel for the applicants is not in a position to state the criminal case number. As per the allegation, both the applicants were carrying country liquor 9 bulk liter in a motorcycle CG 05 AC 2605 and police during investigation seized the liquor from applicant No.2 Thakur Ram Kanwar and seized motorcycle from applicant No.1 Tuleshwar Dewangan and made accused both the applicants. They are first offender. 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 applicant on the basis of the quantity of liquor so seized from conscious joint possession of the applicants.
4. Perused the entire material.

5. As the applicants are in custody since one month and 12 days, charge sheet has been filed pending before the CJM Gariyaband, C.G., trial may take some time, both the applicants are first offender, they are not having any earlier criminal antecedent and as submitted they will not commit any offence in future, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any offence and shall 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 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