

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2754 of 2017

1. Teeju Ram Komarra S/o Dukhu Ram Komara, Aged About 62 Years, R/o Village Kondkera, Police Station - Gariyaband, District Gariyabandh, Chhattisgarh.
2. Teeju Ram Netam S/o Pakla Netam, Aged About 58 Years, R/o Village Kondkera, Police Station - Gariyaband, District Gariyabandh, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through Police Station Gariyaband, District Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Shashi Kumar Kushwaha, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

15-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.59/17 on 31-03-2017 by P.S. Gariyaband, Civil District Raipur, C.G. for the offence under 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet, the same is pending before the CJM Gariyaband, C.G. as Criminal Case No.39/17. The trial may take some time. The applicants are first offender and as per the allegation, from the joint possession of both the applicants 8.640 bulk liter foreign liquor and motorcycle CG 04 KP 7369 has been seized. 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 had not involved earlier in any crime.
4. Perused the entire material.
5. As the applicants are in jail since 1 and ½ months, they had not involved

themselves in any offence prior to the incident and after consideration of the the quantity of liquor so seized from the joint possession of both the applicants, I am inclined to grant one opportunity to the applicants so that they shall not commit any offence in future 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 Gariyaband, 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