

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2886 of 2017**

1. Smt. Fagni Bai W/o Goutam Aged About 55 Years By Caste- Binjhar
2. Khemsagar Manikpuri son of Mudwa Manikpuri, aged about 40 years, caste Panika

Both R/o Village Hadapathra, Police Station & Tahsil- Basna, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

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

For applicant	Mr. L.C. Das, Adv.
For Respondent/State	Mr. Vasim Miyan, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18/05/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 2-4-2017 in connection with Crime No. 139/2017 registered in PS Basna, Distt. Mahasamund (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicants submits that after investigation charge sheet has been filed and the matter is pending before the CJM Mahasamund as Criminal Case No. 863/2017. They are first offender. This is their first bail application before this Court. They will not commit any offence in future if granted bail. They may be granted bail as the trial may take time. As per allegation, 10 bulk litre hand made country liquor has been seized from the joint conscious possession of the applicants without any licence or permission. Therefore, the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposed the bail application

however fairly submits that no criminal antecedents is reported in the case diary against the applicants.

5. Perused the material available.
6. On due consideration, as the applicants are the first offender, they are in jail for last 1 months and 16 days, charge sheet has been filed, trial may take some time and as submitted they will not repeat the offence, 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM Mahasamund for their appearance before the said trial 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 today.

Sd/-
(Chandra Bhushan Bajpai)
Judge