

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3254 of 2017

- Santosh Katare S/o Jhumuk Lal Katare, Aged About 35 Years, R/o K.K. Ward Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Nandghat, District Bemetara, Chhattisgarh.

---- Non-applicant

And

MCRC No. 3260 of 2017

- Kundan Yadav S/o Shivpal Yadav, Aged About 35 Years, R/o K K Ward, Bhatapara, Revenue and Civil District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nandghat District Bemetara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vivek Singhal, Advocate (in MCRC No.3254/2017).

Shri A. P. Sharma, Advocate (in MCRC No.3260/2017).

For Non-applicant/State – Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-06-2017

1. As both the MCRC arise out of the same crime number and the incident, both are being disposed of by this common order.
2. Heard the matter finally.
3. Learned counsel for respective applicants would submit that the applicants held arrested in connection with Crime No.97/2017 on 08-04-2017 by P.S. Nandghat District Bemetara, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet against both the applicants which is pending before the CJM Bemetara, C.G. as Criminal Case No.697/17. As per the allegation, both the applicants were carrying 5.400 bulk liter country liquor in a motorcycle bearing registration No.CG 05 L 9346 which was being driven by applicant Santosh Katare and the police had seized the liquor from Kundan Yadav. They are not having any

criminal antecedent. This is their first bail application. Trial may take some time. Looking to the entire facts, they may be granted bail during trial.

4. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants, though fairly conceded that there is no any criminal antecedent reported against both the applicants.

5. Perused the entire material.

6. Both the applicants are in jail since two months, charge sheet has been filed, trial may take some time, looking to the quantity of liquor so seized in the matter, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any crime and shall live 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Bemetara, C.G. for their appearance before the said Court as and when directed till trial.

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; 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.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge