

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3568 of 2017**

1. Libru Kewat S/o Late Makaru Kewat, Aged About 55 Years
2. Digeshwar Kewat, S/o Dukalu Kewat, Aged About 19 Years

Both R/o Village- Patora, Post Office And Police Station- Dharambandha,
District- Nuapada (Odisha),

---- Applicants

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-
Piperchedi, District- Gariyaband (Chhattisgarh)

---- Respondent

For applicant	Mr. Shivendu Pandya, Adv.
For Respondent/State	Mr. Anil Pandey, Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****9-6-2017**

1. Heard on I.A. No. 1/17 for urgent hearing and I.A. No. 2/17 for hearing the matter during summer vacation.
2. On due consideration, both the applications are disposed of.
3. Heard finally.
4. The applicants have preferred this application for grant of bail as they are arrested on 8-4-2017 in connection with Crime No. 7/2017 registered in PS Piperchedi, Distt. Gariyaband (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
5. Learned counsel for the applicants submits that after investigation, police has filed charge sheet which is pending before the CJM Gariyaband as Criminal Case No. 587/2017. As per allegation, 7.000 bulk litre hand made country liquor has been seized from the conscious possession of the applicants without any licence or permission along with a motorcycle bearing registration no. OD 26 A 3633. This is their first bail application. They are first offenders. They

will not commit any offence in future if granted bail. They may be granted bail as the trial may take time.

6. Per contra, learned State counsel opposes the bail application. They are residents of neighbouring state, they were not having any necessary registration paper, insurance paper and driving licence. Therefore, origin of the motorcycle is under cloud. However he fairly conceded that no criminal antecedent of the applicants is reported by the police in the case diary.
7. Perused the matter.
8. On due consideration, as the applicants are the first offenders, they are in jail since 1 month and 1 day, charge sheet has been filed, trial may take some time and though they are resident of neighbouring state and at the time of seizure they did not have necessary papers of the motorcycle, but as submitted they will not commit any crime in future, 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. 40,000/- with two solvent sureties each of Rs. 20,000/- to the satisfaction of the CJM Gariyaband for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court. The applicants are further directed to submit the necessary papers relating to the said motorcycle including registration, insurance, driving licence if any having with them to the police station Piperchedi and the concerned trial Court prior to their release on bail.
9. 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.

10. CC as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge**