

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3469 of 2017**

Dadan Singh S/o Ramkailash Singh Aged About 36 Years R/o Sangam Chowk Station Maroda Police Station Newai Tehsil And District- Durg, CG.

---- Applicant

Versus

State of Chhattisgarh Through: District- Magistrate, District- Durg, Chhattisgarh.

---- Respondent

MCRC No. 3558 of 2017

Umashankar Choudhari S/o Bhagwati Prasad Choudhari, Aged About 45 Years R/o Risali Bhatha, Behind B. R. P., Bhilai, Police Station- Nevai, District- Durg (CG).

---- Applicant

Versus

State of Chhattisgarh Through- Station House Officer, Police Station- Nevai, District- Durg Chhattisgarh.

---- Respondent

For applicant (MCRC No. 3469/2017)	:	Mr. S.K. Agrawal, Adv.
For applicant (MCRC No. 3558/2017)	:	Mr. B.P. Singh, Adv.
For Respondent/State	:	Mr. Anant Bajpai, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20-6-2017**

1. As both the above MCRCs arise out of same crime number and same incident, they are being disposed of by this common order.
2. Heard finally.
3. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No. 78/17 registered in PS Newai, Distt. Durg (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
4. Learned counsel for the respective applicants submit that after investigation, charge sheet has been filed which is pending before the JMFC Durg as Criminal Case No. 2892/2017. They have not committed similar offence earlier. 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, from applicant Dadan Singh, 22.320 bulk litre country liquor has been seized and from applicant Umashankar Choudhari 18 bulk litre country liquor has been seized. As both the applicants were at the same place, police arrested them and seized the liquor and made them accused in the present matter. Therefore, the applicants may be enlarged on bail.

5. Per contra, learned State counsel opposed the arguments advanced on behalf of the applicants on the basis of quantity of the liquor so seized from both the applicants, and also in addition, police has also registered an offence against applicant Dadan Singh as Crime No. 247/2015 under Sections 186, 353, 323, 294, 506-II, 147 and 148 of the IPC and submit that both the applications may be dismissed.
6. Perused the material available.
7. On due consideration, as both the applicants are in custody for last 2 months and 10 days, charge sheet has been filed, trial may take some time, there is no earlier criminal antecedent of both the applicants of the like offence, though against applicant Dadan Singh aforementioned crime has been registered but he has been granted bail in that matter and facing trial, I am inclined to grant last 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 one solvent surety of the like sum to the satisfaction of the JMFC Durg for their appearance before the said Court till disposal of the trial regularly as and when directed by the said Court.
8. 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.

9. A copy of this order be placed in the file of MCRC No. 3558/2017.

10. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge