

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3869 of 2017

1. Hari Ram Mourya S/o Lt. Mahangu Ram, Aged About 45 Years, R/o Bhond Sargiguda Para Police Chowki Bastar Police Station Kotwali District Bastar, Chhattisgarh.
2. Laikhan Ram Mourya S/o Hari Mourya, Aged About 27 Years, R/o Bhond Sargiguda Para Police Chowki Bastar Police Station Kotwali District Bastar, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Out Post Bastar Police Station Kotwali District Bastar, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

12-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.143/17 on 09-4-2017 by Outpost Bastar, Police Station Kotwali Jagdalpur, District Bastar, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation charge sheet has been filed, which is pending before the CJM Jagdalpur as Criminal Case No.473/17. The applicants are first offender. They will not commit any offence in future. As per the allegation, from applicant No.1 7 bulk liter hand made country liquor has been seized and from applicant No.2 one mobile and Rs.550/- has been seized. The applicants may be granted bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicants on the basis of quantity and type of liquor seized in the matter.
4. Perused the entire material.
5. As both the applicants are in custody since 3 months and 3 days till date, charge sheet has been filed, trial may take some time, both the

applicants are first offender, there is no any criminal past regarding any of the offence, looking to the entire facts, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any offence 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Jagdalpur, C.G. for their appearance before the said court as and when directed till trial.

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