

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4541 of 2017**

1. Sajan S/o Late Balakdas Mahant, Aged About 51 Years R/o Sheetla Mandir, Dhangardipa, Raigarh, Tahsil & District Raigarh, CG.
2. Kishan S/o Ramayan Prasad Mishra, Aged About 20 Years R/o Sheetla Mandir, Dhangardipa, Raigarh, Tahsil & District Raigarh, CG.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police
Station City Kotwali, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For applicant	Mr. Manoj Kumar Jaiswal, Adv.
For Respondent/State	Mr. Anant Bajpai, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10-8-2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 12-6-2017 in connection with Crime No. 322/2017 registered in PS City Kotwali, Raigarh, Distt. Raigarh 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 same is pending before the CJM Raigarh as criminal case No. 313/2017. This is his first bail application before this Court. They are first offender. As per allegation, 5.760 bulk litre country liquor has been seized from the conscious joint possession of the applicants without any licence or permission. The applicant No. 1

Sajan was driving motorcycle and applicant No. 2 Kishan was pillion rider and between the two, 5.760 bulk liquor country liquor was kept hence both were in conscious possession of the liquor however police has seized the said liquor and the motorcycle from applicant No. 1 only. They will not commit any offence in future if granted bail. They may be granted bail as the trial may take time.

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. As the applicants are in jail since 1 month and 28 days till date, they are the first offender with no criminal antecedent, charge sheet has been filed, trial may take some time, as submitted they will not commit any offence in future and looking to the entire facts, 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 their furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the CJM Raigarh 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 as per rules.

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

Pathak