

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4367 of 2017

- Arjun Singh Ambade S/o Bhikhari Ram Ambade, Aged About 32 Years, R/o Village Dualgudra, Police Station Chilhati, District Rajnandgaon Chhattisgarh
- Narendra Kumar Ladeshwar, S/o Mahipal Ladeshwar, Aged About 25 Years, R/o Village Tirpemeta, Police Station Chilhati, District Rajnandgaon Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Gendatola, District Rajnandgaon Chhattisgarh

---- Non-applicant

For Applicants – Shri Devershi Thakur, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-08-2017

1. Learned counsel for the applicants would submit that he shall file his power to represent the applicants during course of the day.
2. Heard the matter finally.
3. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.42/2017 on 13-06-2017 by P.S. Gendatola, District Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is pending before the CJM Rajnandgaon, C.G. as Criminal Case No.2090/17. It is submitted that the applicants are first offender. They had no criminal antecedent. As per the allegation, they were going towards village Tipangarh transporting 7.560 bulk liter country liquor. The said liquor was seized from applicant No.2 Narendra Kumar Ladeshwar and the motorcycle was seized from applicant No.1 Arjun Singh Ambade. They will not commit any offence in future. They may be enlarged on bail during trial as the trial may take some time.
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 earlier criminal antecedent of the applicants.

5. Perused the entire material.

6. As the applicants are in custody since one month and 25 days till date, charge sheet has been filed, trial may take some time, the applicants are first offender with no criminal antecedent, on consideration of the entire facts, 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Rajnandgaon, 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)
Judge