

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4910 of 2017**

1. Smt. Gulfi W/o Lakhani Lal, Aged About 23 Years R/o House No. 05, Block No.10, Bambey Awas Durg Tehsil And District Durg, CG
2. Smt. Reshma W/o Taklu, Aged About 22 Years R/o House No.06, Block No.10, Bambey Awas Durg Tehsil And District Durg, CG

---- Applicants

Versus

State Of Chhattisgarh Through S H O Police Station Mohan Nagar
District Magistrate District Durg, Chhattisgarh

---- Respondent

For applicant	Mr. S.K. Agrawal, Adv.
For Respondent/State	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22-8-2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 8-7-2017 in connection with Crime No. 313/2017 registered in PS Mohan Nagar, Distt. Durg (CG) 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 against both the applicants, which is pending before the JMFC Durg, (CG) as Cri. Case No. 1090/2017. 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 No. 1, 5.040 bulk litre country liquor has been seized and from applicant No. 2, 900 ml country liquor has been seized along with sale proceed of Rs. 300/-.
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 the first offender with no criminal antecedent, they are in jail since 1 month and 14 days, they are women aged about 23 and 22 years, trial may take some time and considering entire facts of the case, 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Durg 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 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.

Sd/-
(Chandra Bhushan Bajpai)
Judge