

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4897 of 2017

- Sonu S/o Ashok Bajpai, Aged About 32 Years, R/o Bidora, Police Station Sahaspur Lohara, District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Circle Sahaspur Lohara, District Kabirdham Chhattisgarh.

---- Non-applicant

And

MCRC No. 4979 of 2017

- Loknath S/o Lachchhram, Aged About 35 Years, R/o Jamuniya, Police Station Sahaspur- Lohara, District Kabirdham (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through Incharge, Excise Circle, Sahaspur- Lohara, District Kabirdham (Chhattisgarh).

---- Non-applicant

For Applicants – Shri Devesh Chandra Verma, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

22-08-2017

1. Heard the matter finally.
2. As MCRC No.4897/2017 and MCRC No.4979/2017 arise out of the same crime number and incident, both are being disposed of by this common order.
3. Learned counsel for the applicants would submit that both the applicants held arrested in connection with Crime No.21/2017 on 05-7-2017 by investigating agency Excise Circle, Sahaspur Lohara, District Kabirdham C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Charge sheet has not yet been filed, the applicants are remanded by CJM Kawardha, C.G. Learned counsel for the applicants would further submit that the applicants will not commit any offence in future and as per the allegation, both the applicants were carrying 18 bulk liter foreign liquor in a motorcycle No. CG 04 KB 2081 and the police seized the said liquor and the motorcycle from both the applicants. Trial may take some time. They may be enlarged on bail during trial.
4. Per contra, learned counsel for the non-applicant/State opposed the

argument advanced on behalf of the applicants on the basis of quantity of liquor so seized from both the applicants. In addition, it is submitted that against applicant Loknath earlier Crime No.222/16 under Section 36(C) of the Act, 1915 has been registered.

5. Perused the entire material.

6. As both the applicants are in custody since 1 month and 17 days till date, charge sheet has not yet been filed, trial may take some time, though against applicant Loknath one matter as aforementioned has been registered, but as the said matter was bailable in nature, and after consideration of the entire facts, I am inclined to grant one opportunity to both the applicants so that they shall not involve themselves in any offence and shall live peacefully in society. Consequently, both the MCRC are hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Kawardha, 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