

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4938 of 2017**

Monesh Thakur S/o Bharat Singh Thakur, Aged About 29 Years
R/o Village Ward No. 6 Chikhli, Civil And Revenue District
Rajnandgaon CG

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Ambagarh Chowki,
Civil And Revenue District Rajnandgaon CG.

---- Respondent

MCRC No. 4983 of 2017

Kuldeep Patel S/o Shri Shankar Lal Patel, Aged About 25 Years R/o
Ward No. 04, Purana Dhaba, Police Station Lalbag, Tahsil & District
Rajnandgaon.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Rajnandgaon CG.

---- Respondent

For applicant	Mr. Punit Ruparel, Adv. (MCRC No. 4938/2017).
For applicant	Mr. Kripesh G. Kela, Adv. (MCRC No. 4983/2017).
For Respondent/State	Mr. Arvind Shukla, Panel Lawyer.

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

1. As above MCRCs arise out of same incident and crime number, they are being disposed of by this common order.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No. 141/2017 registered in PS Ambagarh Choki, Distt. Rajnandgaon (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicants submits that charge sheet is not filed, the applicants are remanded by the CJM Rajnandgaon, CG. They are in jail since long. Charge sheet is not filed, they are first offenders. As per allegation, both the applicants were carrying 18 bulk litre country liquor in an auto bearing Registration No. CG 08 AA 3006.

Police during investigation seized liquor and Rs. 1500/- cash from applicant Kuldeep Patel and seized the said auto from applicant Monesh Thakur. They will not commit any offence in future hence they may be enlarged on bail.

4. Per contra, learned State counsel opposed the bail application on the basis of quantity of the liquor so seized in the matter 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 8 days till date, charge sheet is not yet filed, and considering 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 them furnishing a personal bond in the sum of Rs. 50,000/- with two solvent sureties of Rs. 25,000/- for each applicant to the satisfaction of the CJM Rajnandgaon 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. The applicants are further directed to appear before the concerned SHO/IO/in-charge of the Police Station Ambagarh Chowki, Distt.

Rajnandgaon (CG) on every 1st and 3rd Monday at 11 am positively till trial. If the applicants fail to do so, concerned police may intimate the trial Court and if the trial Court held that the applicants remain absent without any cogent and proper reason as directed, the bail granted to applicants shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge