

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5116 of 2017**

1. Kishan Hirwani, S/o Mantram Hirwani, Aged About 22 Years, Caste Satnami, R/o Village Kathiya, P.S. Mandir Hasod, Tehsil Aarang, District Raipur, Chhattisgarh.
2. Bhagirathi Saitode, S/o Sakharam, Aged About 30 Years, Caste Satnami, R/o Village Kathiya, P.S. Mandir Hasod, Tehsil Aarang, District Raipur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Aarang, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Malay Kumar Bhaduri, Advocate.
For Respondent/State	: Shri Neeraj Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 08/07/2017, in connection with Crime No. 302/2017, registered in Police Station Aarang, Distt. Raipur (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet against both the applicants which is pending before the Judicial Magistrate First Class, Raipur (C.G.). Learned counsel for the applicant would further

submit that the applicants are the first offenders and no criminal antecedent had been reported against them. As per the allegation, from the applicants 5.220 bulk litre of country liquor on motor-cycle bearing Registration No. CG 04 DW 6724. The police during investigation seized the liquor from the Kishan Hirwani and seized the motor-cycle from the Bhagirathi Saitode. The applicants will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicants on the basis of quantity of liquor so seized from the applicant though fairly conceded that applicants had never involved in any of the crime prior to the incident.

5. Perused the matter.

6. As the applicants are the first offenders, he is in custody for 1 month 21 days till date, charge-sheet has been filed, trial may take some time and prior to the incident no criminal antecedent reported against the applicants after consideration on the entire facts, I am inclined to grant one opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. The applicants are directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- each with one solvent surety of like some amount to the satisfaction of the JMFC Raipur (C.G.), for his appearance before the said Court regularly as and when directed by the said Court. for their appearance before the

said Court regularly as and when directed by the said Court.

9. 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 does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicants remains 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.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge