

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5027 of 2017**

Karan Singh S/o Aeishan Lal Singh, Aged About 22 Years R/o Near  
Railway Fatak, Sharda Vihar, Korba Chhattisgarh Presently R/o Purani  
Basti, Raipur Tahsil And District Raipur CG Mob. 9584086141

---- Applicant

**Versus**

State Of Chhattisgarh Through Police Station Excise Circle, Pandri,  
Raipur, District Raipur Chhattisgarh

---- Respondent

**MCRC No. 5156 of 2017**

Rahul Kumar S/o Shriprasad Gupta, Aged About 27 Years R/o  
Ghardosamha, Post Belwa Dumri, Police Station Dev, District  
Aurangabad, Presently Residing At Purani Basti Raipur, District Raipur,  
Chhattisgarh. Aadhar No. 734689885657

---- Applicant

**Versus**

State Of Chhattisgarh Through Excise Circle, Pandri Mowa, Raipur,  
District Raipur, Chhattisgarh.

---- Respondent

---

|                      |                                  |
|----------------------|----------------------------------|
| For applicants       | Mr. C.R. Sahu, Adv.              |
| For Respondent/State | Mr. Arvind Shukla, Panel Lawyer. |

---

**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****28-8-2017**

1. As MCRC No. 5027/2017 and MCRC No. 5156/2017 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 on 13-7-2017 in connection with Crime No. 72/2017 registered in Excise Circle, Pandri Mowa, Raipur Distt. Raipur (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 Raipur. He submits that

applicant Karan Singh is Supervisor of foreign liquor shop. The co-accused Rahul Kumar was working with him. There is one more co-accused namely Neeraj Baghel who has not preferred any MCRC. As per allegation, from all the three accused persons, police has seized 34.530 bulk litre of foreign liquor and caps of bottle 303 number, imitation of the hologram 110 in number. They are aged about 22 years and 27 years. They will not commit any offence in future if granted bail. They may be granted bail as the trial may take time.

4. Per contra, learned State counsel opposed the arguments advanced on behalf of the applicants as the applicants were working in the official liquor shop and found in illegal possession of aforementioned liquor and other articles hence both the MCRCs may be dismissed however he fairly concedes 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 15 days till date, charge sheet is not yet filed, trial may take some time, though the facts surfaced is of serious nature, but on consideration of entire facts, I am inclined to grant one opportunity to the applicants to live peacefully in the society without committing any crime. Consequently, instant MCRCs are allowed. The applicants are directed to be released on bail on each of their furnishing a personal bond in the sum of Rs. 1,00,000/- with two solvent sureties each of Rs. 50,000/- for each applicant to the satisfaction of the CJM Raipur 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. The applicants are further directed to appear before the concerned IO/in-charge of the office of Excise Circle, Pandri Mowa, Raipur, Distt. Raipur 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 applicant 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. A copy of this order be placed in the file of MCRC No. 5156/2017.
10. CC as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**