

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5017 of 2017**

Suresh Kumar Banjare S/o Shyamratan Banjare Aged About 36 Years
R/o Sharda Vihar, Atal Awas No. 217, O. P. Manikpur, Distt. Korba, CG.

---- Applicant

Versus

State of Chhattisgarh S/o through S. H. O. Police Station Urga, District
Korba, CG.

---- Respondent

MCRC No. 5033 of 2017

Dilip Masih S/o Sukhram Masih Aged About 26 Years Caste- Christian,
R/o Village- Badarkhurd, O.P.- Manikpur, District- Korba, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh through S.H.O. Police Station – Urga, distt.
Korba (CG)

---- Respondent

For applicants	Mr. Anil Singh Rajput, Adv.
For Respondent/State	Mr. Vinod Tekam, Panel Lawyer.

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

1. As MCRC No. 5017/2017 and MCRC No. 5033/2017 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 12-7-2017 in connection with Crime No. 133/2017 registered in PS Urga, Distt. Korba (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 Korba (CG). As per allegation, applicant Suresh Kumar Banjare was sitting

as pillion rider in the un-numbered motorcycle which was being driven by applicant Dilip Masih and in the said motorcycle, both the applicants were carrying 20 bulk litre hand made country liquor. The motorcycle and the liquor was seized from applicant Dilip Masih. They are the first offenders. 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 bail application on the basis of huge quantity of the liquor so seized by the police along with un-numbered motorcycle, however he 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 16 days till date, charge sheet is not yet filed, trial may take some time, after 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. 50,000/- with two solvent sureties each of Rs. 25,000/- for each applicant to the satisfaction of the CJM Korba 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 Urga, Distt. Korba (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 hold 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. A copy of this order be placed in the file of MCRC No. 5033/2017.
10. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge