

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5210 of 2017**

1. Premsingh S/o Bidesingh, Aged About 25 Years R/o Village Savlibahras
2. Asharam, Aged About 25 Years S/o Dashruram, by caste Gond R/o Village Hurtarai

Both Police Station Koyalibeda, District Uttar Bastar Kanker, CG.

---- Applicants

Versus

State of Chhattisgarh through District Magistrate, District North Bastar Kanker, Chhattisgarh.

---- Respondent

For applicants	Mr. Parag Kotecha, Adv.
For Respondent/State	Mr.Arvind Shukla, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

30-8-2017

1. The applicants have preferred this application for grant of bail as they are arrested on 30-5-2017 in connection with Crime No. 8/2017 registered in PS Tadoki, Distt. North Bastar, Kanker (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
2. Learned counsel for the applicants submit that after investigation charge sheet has been filed and the same is pending before the JMFC Bhanupratappur, Distt. North Bastar, Kanker as Cr. Case No. 569/2017. This is their first bail application before this Court. They are first offenders. As per allegation, both the applicants were carrying 8.280 bulk litre country liquor in a motorcycle bearing registration No. CG 05-V-1445. Police during investigation seized the liquor and the motorcycle from applicant No. 1. They will not commit any offence in future if granted bail. They may be granted bail as the trial may take time.
3. Per contra, learned State counsel opposes the arguments advanced

on behalf of the applicants on the basis of the quantity of the liquor so seized from the applicants. However he fairly concedes that no criminal antecedent of the applicants is reported by the police in the case diary.

4. Perused the matter.
5. As the applicants are in jail since 3 months till date, charge sheet has been filed, trial may take some time, applicants are first offenders, and as submitted they will not commit any crime in future and considering entire facts of the case, 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 their furnishing a personal bond in the sum of Rs. 30,000/- with one solvent surety of the like sum for each applicant to the satisfaction of the JMFC Bhanupratappur for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.
6. 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. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
7. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge