

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5167 of 2017**

Lavendra Sahu S/o Devilal Sahu, Aged About 28 Years R/o
Sakin, Nevarikala, P.S. Balod, District Balod, CG

---- Applicant

Versus

State of Chhattisgarh through Police Station Balod, District Balod,
CG

---- Respondent

MCRC No. 5296 of 2017

Jhumuklal Sahu S/o Inuram Sahu, Aged About 43 Years R/o
Sakin Village Newarikala, P. S. Balod, District Balod CG.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Balod, District
Balod CG.

---- Respondent

For applicants	Mr. Prasoon Agrawal, Adv.
For Respondent/State	Mr. Neeraj Jain, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****4-9-2017**

1. As MCRC No. 5296/2017 and MCRC No. 5167/2017 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 in connection with Crime No. 259/2017 registered in PS Balod, Distt. Balod (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicants submit that charge sheet is not yet filed, the applicants are remanded by the CJM Balod.

They are first offenders. As per allegation, the applicants were going on a motorcycle and carrying 9.360 bulk litre country liquor which has been seized from the applicant Lavendra Sahu. The motorcycle was seized from applicant Jhumuklal Sahu. 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 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.
5. Perused the matter.
6. As the applicants are in custody since 1 month and 14 days till date, charge sheet has not been filed, trial may take some time, 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 them furnishing a personal bond in the sum of Rs. 40,000/- with one solvent surety of the like sum for each applicant to the satisfaction of the CJM Balod 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. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. A copy of the order be placed in the file of MCRC no. 5296/2017
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge