

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5159 of 2017**

1. Ashish Kumar Humne S/o Late Sheelak Chand Humne, Aged About 30 Years R/o Sevtapara, Dongargaon District Rajnandgaon, Chhattisgarh
2. Pradeep Yadav S/o Laxminarayan Yadav, Aged About 28 Years R/o Gokul Nagar, Basantpur, District Rajnandgaon, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Police Station Lalbagh, District
Rajnandgaon, Chhattisgarh

---- Respondent

For applicant	Mr. Shaleen Singh Baghel, Adv.
For Respondent/State	Mr. UKS Chandel, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29-8-2017**

1. Heard the matter finally.
2. The applicants have preferred this application for grant of bail as they are arrested 28-7-2017 in connection with Crime No. 265/2017 registered in PS Lalbagh, Distt. Rajnandgaon (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 Rajnandgaon. This is their first bail application before this court. As per allegation, both the applicants were in a four wheeler vehicle. From the said vehicle police seized 18 bulk litre foreign liquor which was seized from the joint possession of the applicants. 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 quantity of the liquor seized from the applicants however 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, charge sheet is not yet filed, trial may take time, they are in custody since 1 month and 1 days till date, 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 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. 50,000/- with two solvent sureties each of Rs. 25,000/- for each applicant to the satisfaction of the CJM Rajnandgaon 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 Lalbagh, Rajnandgaon 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 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. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak