

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5341 of 2017**

1. Sanwaldas Ghritlahare S/o Duklaha Ghritlahare, Aged About 50 Years R/o Village Khapari (Diggi) Thana Bhatapara (Gramin) District Balodabazar-Bhatapara, Chhattisgarh
2. Pappu Chaturvedi S/o Dharamdas Chaturvedi, Aged About 29 Years R/o Village Budhgahan Thana Suhela District Balodabazar - Bhatapara, CG

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer Station
Bhatapara (Gramin) District Balodabazar-Bhatapara, CG

---- Respondent

For applicant	Mr. N.K. Malviya, Adv.
For Respondent/State	Mr. Anant Bajpai, Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****5-9-2017**

1. The applicants have preferred this application for grant of bail as they are arrested on 29-7-2017 in connection with Crime No. 264/2017 registered in PS Bhatapara (Gramin) Distt. Baloda Bazar Bhatapara (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
2. Learned counsel for the applicants submit that charge sheet is not yet filed and the applicants are remanded by the CJM Baloda Bazar (CG). This is their first bail application before this Court. They are first offenders. As per allegation, 5.760 bulk litre country liquor has been seized from the conscious 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.

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. Earlier against Applicant No. 1 Sanwaldas, a preventive proceedings as Complaint no. 5/2015 under Section 107, 116 sub-section (3) of the Cr.P.C. was registered though he fairly concedes that against both the applicants no other matter of similar offence has been registered.
4. Perused the matter.
5. As the applicants are in custody since 1 month and 7 days till date, charge sheet has not been filed, trial may take some time, both the applicants have no criminal past except a complaint case for preventive proceedings against applicant No. 1 Sanwaldas, 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. 25000/- with one solvent surety of the like sum for both the applicant to the satisfaction of the CJM Baloda Bajar 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**

Pathak