

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5660 of 2017**

1. Mohit, S/o Kanhaiya, Aged About 22 Years, R/o Village Barbhatha, Police Station Patewa, Tahsil And District Mahasamund, Chhattisgarh.
2. Chhabiram Dhruw, S/o Omsingh Dhruw, Aged About 30 Years, R/o Village Barbhatha, Police Station Patewa, Tahsil And District Mahasamund, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tendukona, District Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Vikash Pradhan, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18.09.2017**

1. Heard the matter finally.
2. Learned counsel for the applicants would submits that both the applicants have been arrested in connection with Crime No. 80/2017 on 22/08/17 by Police Station Tendukona, District Mahasamund, (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.
3. Learned counsel for the applicants would submit that charge-sheet is not yet filed, and the applicant is remanded by

Chief Judicial Magistrate Mahasamund, (C.G.). As per allegation, from the applicant 26 bulk litre country liquor and one motor cycle has been seized. Learned counsel for the applicants would submit that both the applicants are the first offenders and they will not commit any offence in future, as the trial may take some time for its conclusion, they may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicants on the basis of the quantity of liquor so seized, though fairly conceded and that both the applicants had no criminal antecedent.

5. Perused the entire material.

6. As the applicants are the first offenders and they are in custody for last 28 days till date, charge-sheet is not yet filed, trial may take some time, both the applicants will not commit any offence in future, there is no criminal antecedent reported against the applicant, after consideration of the entire facts, I am inclined to grant one opportunity to the applicants so that they will not commit any offence in future and shall not involved themselves in any of the crime and shall remain peacefully in the society without committing any crime.

7. Consequently, the instant MCRC is hereby allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- with two solvent sureties of Rs. 25,000/- each to the satisfaction of

Chief Judicial Magistrate Mahasamund, (C.G.), for his appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant 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.

10. The applicants are further directed to appear before the concerned SHO/IO/in-charge, as the case may be, of Police Station Tendukona, District Mahasamund, C.G., on every 1st and 3rd Monday of every month till the conclusion of the trial. If the applicants fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicants remained absent without any cogent and proper reason as directed, the bail granted to applicant 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.

11. Register (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge

Pawan