

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5764 of 2017**

1. Sanjay Santwani, S/o Yogendra Santwani, Aged About 28 Years, R/o Sindhi Colony, P.S. Civil Lines, Tehsil Bilaspur, Revenue And Civil District Bilaspur, Chhattisgarh.
2. Mukesh Panjwani, S/o Chandiram Panjwani, Aged About 30 Years, R/o Sindhi Colony, P.S. Civil Lines, Tehsil Bilaspur, Revenue And Civil District Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Excise Circle Bilaspur West, Revenue And Civil District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Shri Surfraj Khan, Advocate
 For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25.09.2017**

Heard the matter finally.

2. Learned counsel for the applicants would submit that both the applicants have been arrested in connection with Crime (Excise) No.48/17 on 27/08/2017, Investigating Agency, Excise Circle, Bilaspur West, Distt. Bilaspur, (C.G.) for the offence under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant would submit that charge-sheet is not yet filed, both applicants are remanded by Chief Judicial Magistrate, Bilaspur (C.G.), both the applicants are the first offenders and they will not commit any offence in future. As per allegation, from both the applicants 5.250 bulk litre foreign liquor has been seized

along with one scooter bearing Registration No. CG 10 EN 5141, trial may take some time, they may be granted bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicants, though fairly considered that there is no criminal antecedent of both the applicants.

5. Perused the entire matter.

6. As the applicants are the first offenders, they are in custody since 30 days till date, charge-sheet is not yet filed, trial may take some time, there is no criminal antecedent reported against both the applicants, on due 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 remain peacefully in the society without committing any crime.

7. Consequently, the instant MCRC is allowed.

8. The applicants are directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- to each applicant with one solvent surety of like some amount to the satisfaction of Chief Judicial Magistrate, Bilaspur (C.G.) for their appearance before the said Court regularly as and when directed by the said Court.

9. 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 does 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 remains 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. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge