

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5894 of 2017**

1. Chandra Kumar Sahu S/o Totaram Sahu, Aged About 40 Years Caste Teli
2. Ghanshayam Sahu, S/o Thakurram Sahu, Aged About 44 Years Caste Teli,

Both R/o Nayapara, Sorar, Police Station Gurur, District Balod CG.

---- Applicants

Versus

State of Chhattisgarh Through The Station House Officer Police Station Gurur, District Balod Chhattisgarh.

---- Respondent

For applicants	Mr. Khushboo Verma, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****9-10-2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested 20-8-2017 in connection with Crime No. 328/2017 registered in PS Gurur, 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 JMFC, Gurur, Distt. Balod. This is their first bail application before this Court. They are first offenders. As per allegation, 5.400 bulk litre country liquor has been seized from the conscious possession of the applicant No. 1 and the applicant No. 2 was also accompanying applicant No. 1. With this as per allegation applicant No. 2 was also in conscious possession of the said liquor. 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 20 days till date, charge sheet is not yet 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. 25,000/- with one solvent surety of the like sum for each applicant to the satisfaction of the JMFC Gurur 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. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge