

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5893 of 2017**

1. Veer Singh S/o Shri Lahur Singh, Aged About 38 Years R/o Village Podi Police Station Sirgitti, District Bilaspur, Chhattisgarh.
2. Satrugan @ Nanki Kenwat, S/o Shri Panchram Kewat, Aged About 32 Years R/o Village Podi, Police Station Sirgitti, District Bilaspur, CG.

---- Applicants

Versus

State Of Chhattisgarh Through The Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Ms. Jyoti Rathore, Adv.
For Respondent/State	Mr. Vasim Miyan, 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 on 9-7-2017 in connection with Crime No. 218/2017 registered in PS Sirgitti, Distt. Bilaspur (CG) for offence punishable under Section 34 sub-section (2) of the C.G. Excise Act, 1915.
3. Learned counsel for the applicants submit that after investigation charge sheet has been filed and the matter is presently pending before the JMFC, Bilaspur, as Cr. Case No. 2804/2017. This is their first bail application before this Court. They are first offenders. As per allegation, 20 bulk litre hand made country liquor and a two wheeler bearing registration No. CG-10-EN-9020 has been seized from the conscious possession of the applicant No. 1 and from applicant No. 2 10 bulk litre hand made country liquor has been seized. They will not commit any offence in future if granted bail. They may be granted bail as the trial may take some 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 jail since 3 months till date, charge sheet has been filed, trial may take some time, and as submitted they will not commit any crime in future, though the quantity of liquor so seized is on higher side but 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. 50,000/- with two solvent sureties each of Rs. 25,000/- for each applicant to the satisfaction of the JMFC Bilaspur 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 Sirgitti, Distt. Bilaspur 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. Addl. 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