

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5976 of 2017**

1. Bharat S/o Jagannath Gond, Aged About 35 Years
2. Sundar S/o Appana Gond, Aged About 28 Years

R/o Village Khorshi, Police Station Shivrinarayan, District Janjgir Champa,
CG.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For applicants	Mr. Anil Gulati, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL.

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

1. The applicants have preferred this application for grant of bail as they are arrested 7-9-2017 in connection with Crime No. 337/2017 registered in PS Kasdol, Distt. Baloda Bazar, Bhatapara (CG) for offence punishable under Section 34 sub-section (2) of CG Excise Act, 1915.
2. Learned counsel for the applicants submit that charge sheet is not yet filed, the applicants are remanded by CJM Baloda Bazar. This is their first bail application before this Court. They are first offenders. As per allegation, from applicant No. 1 Bharat, 7.750 bulk litre country liquor and from applicant No. 2 Sundar, sale proceed of Rs. 500/- has been seized. 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 and submits that the applicants are involved in illegal sale of the liquor hence instant MCRC may be dismissed. However he fairly concedes that no criminal antecedent of

the applicants is reported by the police in the case diary.

4. Perused the matter.
5. As the applicants are in jail since 1 months and 3 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. 30,000/- with one solvent surety of the like sum for each 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