

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1851 of 2017**

Deepak Thakur S/o Kewal Thakur Aged About 20 Years R/o Sikolabhata, Durg, Ward No. 14 Police Station Mohan Nagar Tehsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Excise Police, Durg, Chhattisgarh.

---- Respondent

For applicant	Mr. Vijay Kumar Sahu, Adv.
For Respondent/State	Mr. UKS Chandel, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 12-2-2017 in connection with Crime No. 394/2017 registered in Excise Circle Durg City West, Distt. Durg for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that the applicant is the first offender. As per prosecution case, the applicant was found in conscious possession of 11.70 bulk litre of foreign liquor without any licence or permission. If bail is granted, he will not repeat the offence. Therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the bail application. He submits that earlier two offences were registered against the applicant under Section 294, 506, 354, 34 of IPC and under Section 294, 506, 323, 324 of the IPC which goes to show the criminal antecedents of the applicant. Hence the bail application may be rejected.
5. Perused the matter.
6. On due consideration, looking to the age of the applicant and quantity of the liquor and as he is in jail for last about 2 months, and he has

not been involved in similar offence, I am inclined to allow instant MCRC. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM, Durg CG for his appearance before the said Court regularly as and when directed by the said Court.

7. 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 applicant suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicant 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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge