

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1756 of 2017**

Ravikumar S/o Shri Gendlal Goyal , Aged About 19 Years By Caste:
Satnami, R/o Village Kopra, Police Station: Panduka, District
Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station -
Panduka, District - Gariyaband, Chhattisgarh.

---- Respondent

For applicant	Mr. Rajesh Kumar Tiwari, Adv.
For Respondent/State	Mr. Anant Bajpai, 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 in connection with Crime No. 17/2017 registered in PS Panduka Distt. Gariyaband for offence punishable under Section 34 sub-section (2) of the CG Excise Act. Charge sheet has been filed which is pending before the Chief Judicial Magistrate, Gariyaband as Criminal Case No. 319/2017
3. Learned counsel for the applicant submits that the applicant is the first offender. No criminal antecedent is reported by the police in the case diary. As per prosecution case, the applicant was found in illegal conscious possession of 45.720 litre of 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 the quantity of liquor seized from the applicant is on higher side and one another matter is registered against the present applicant under Section 36(C) of the CG Excise Act which shows his criminal

antecedent. Hence the bail application may be rejected.

5. Perused the case diary.
6. On due consideration, as the applicant is aged about 19 years, he is in jail since one month and 24 days, charge sheet has been filed, trial may take some time, 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. 40,000/- with one solvent surety of the like sum to the satisfaction of the CJM, Gariyaband, 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