

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1862 of 2017**

Vishnu Diwedi S/o Ramashankar Diwedi Aged About 26 Years R/o
Rameshwar Nagar Bhanpuri, Thana Khamtari & Tahsil, District Raipur,
CG.

---- Applicant

Versus

State of Chhattisgarh Through Police Khamtari, Tahsil & District Raipur,
CG.

---- Respondent

For applicant	Mr. Ashok Patil, Adv.
For Respondent/State	Mr. Neeraj Mehta, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 106/2017 registered in PS Khamtari, Distt. Raipur for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that charge sheet has not been filed. The applicant is languishing in jail under the authority of Chief Judicial Magistrate, Raipur. Pending investigation, no other criminal antecedent is reported. As per prosecution case, he was found in illegal possession of 6.120 bulk litre of illegal duty paid country liquor. He is first offender and no other criminal antecedent is report.
4. Learned counsel for the State opposed the bail application. However he fairly concedes that no criminal antecedent is reported in the case diary.
5. Perused the case diary.
6. On due consideration, as no other criminal antecedent is reported

against the applicant in the case diary, 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate, Raipur 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