

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1908 of 2017**

Upendra Yadav S/o Demu Ram Yadav Aged About 36 Years Caste Mahakul, R/o Village Mudapara, Karmabahla , Police Station & Tahsil Pathalgaon, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pathalgaon, District Jashpur, Chhattisgarh.

---- Respondent

For applicant	Mr. Harish Khuntiya, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 5-3-2017 in connection with Crime No. 42/2017 registered in PS Patthalgaon, Distt. Jashpur for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915. Charge sheet has been filed before the Chief Judicial Magistrate, Jashpur but the learned counsel is not in a position to state the criminal case number. Trial has not yet commenced.
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 possession of 11.520 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. However he fairly conceded that no criminal antecedent of the applicant is reported in the police case diary.

5. Perused the case diary.
6. On due consideration, as the applicant is the first offender with no criminal antecedent, 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, Jashpur 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