

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1952 of 2017**

Harendra Kumar @ Golu Sinha S/o Shri Gopal Sinha, Aged About 18 Years R/o Village- Hirmi, Police Station Kharora, District (Revenue & Civil) Raipur, CG Haal Mukam, Through Firoz Khan, Near Shiv Temple, Bhanpuri, Police Station Khamtarai, District (Revenue & Civil) Raipur CG

---- applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Khamtarai, District (Revenue & Civil) Raipur Chhattisgarh

---- Respondent

For applicant	Mr. Raja Sharma, Adv.
For Respondent/State	Mr. Sumit Jhanwar, 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 14-1-2017 in connection with Crime No. 26/2017 registered in PS Khamtarai, Distt. Raipur for offence punishable under Section 34 sub-section (2) of the CG Excise Act. Charge sheet has been filed and pending before the JMFC, Raipur as Criminal Case no. 2154/2017.
3. Learned counsel for the applicant submits that the applicant is the first offender. As per prosecution case, the applicant was found in conscious illegal possession of 7.200 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 of the like offence is reported in the police case diary.
5. Perused the matter.

6. On due consideration, looking to the age of the applicant i.e. 18 years, as the applicant is the first offender with no criminal antecedent of the like 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, 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