

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2018 of 2017**

Manoj Nirmalkar S/o Girdhar Lal Nirmalkar Aged About 33 Years R/o Sahupara, Fafadih, Chhotiline Behind Sinha Chal, Police- Station- Ganj, District Raipur, chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through : Its Police Station Ganj ,civil & Revenue District Raipur Chhattisgarh

---- Respondent

For applicant	Mr. B.L. Sahu, Adv.
For Respondent/State	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 25-2-2017 in connection with Crime No. 103/2017 registered in PS Ganj, Raipur for offence punishable under Section 34 sub-section (2) of the CG Excise Act. Charge sheet has been filed and the same is pending before the JMFC, Raipur as Criminal Case No. 2184/2017.
3. Learned counsel for the applicant submits that the applicant is the first offender. As per prosecution case, 10.980 bulk litre country liquor has been seized from the conscious possession of the applicant. 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 matter.
6. On due consideration, looking to period of detention as the applicant is

in jail since 25-2-2017, the quantity of country liquor, 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 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