

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2031 of 2017**

Pradeep Sanyasi S/o Munnu Ram Sanyasi, Aged About 55 Years
 Caste- Ghashi, Occupation - Labour, R/o Bhagalpur, Tahsil- Jashpur,
 District- Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Excise Officer, Excise Circle- Jashpur,
 District- Jashpur, Chhattisgarh.

---- Respondent

For applicant	Mr. J.K. Saxena, 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. 200/2017 by the IO, Excise Circle, Jashpur, Distt. Jashpur for offence punishable under Section 34 read with Section (2) of the CG Excise Act. Charge sheet has been filed before Chief Judicial Magistrate, Jashpur.
3. Learned counsel for the applicant submits that the applicant is the first offender. He is not involved in any other offence earlier. This is his first bail application. As per prosecution case, the applicant was found in conscious possession of 30 litre of illicit country 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 entire material.
6. On due consideration, as the applicant is the first offender with no

criminal antecedent, the period of detention as he is in jail since 25-2-2017, 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