

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2211 of 2017**

Nawal Kashyap S/o Shri Ramesh Kashyap, Aged About 32 Years R/o
Near Bhajpa Office, Old Bus Stand Road, Juna Bilaspur, Tahsil &
District (Revenue & Civil) Bilaspur, CG.

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station - City Kotwali, Bilaspur,
District (Revenue & Civil) - Bilaspur CG

---- Respondent

For applicant	Mr. Anand Kesharwani, Adv.
For Respondent/State	Mr. UKS Chandel, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 12-3-2017 in connection with Crime No. 94/2017 registered in PS City Kotwali, Bilaspur, for offence punishable under Section 34 sub-section (2) and Section 59 (क) of the CG Excise Act.
3. Learned counsel for the applicant submits that the applicant is in custody under the order of JMFC, Bilaspur. The applicant is the first offender with no criminal antecedent. As per allegation, 7.200 bulk litre liquor has been seized from the conscious possession of the applicant 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. He submits that Crime No. 361/2016 under Section 13 of the Gambling Act has been registered in the year 2016. Hence his bail may be rejected.
5. Perused the matter.
6. On due consideration, as the applicant is the first offender with no

criminal antecedent of similar offence, he is in jail for last one month and 7 days, quantity of liquor seized, I am inclined to grant one opportunity to the applicant to live in the society without committing any crime. 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, Bilaspur 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**