

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2230 of 2017**

Laxmi Prasad Nishad S/o Vijay Nishad Aged About 19 Years Caste
Nishad, R/o Taparda, Police Station Pussore, District Raigarh, CG.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Chandrapur
(Wrongly Mentioned In Cause Title Police Station Dabhra), District-
Janjgir- Champa, Chhattisgarh.

---- Respondent

For applicant	Mr. Manoj Jaiswal, Adv.
For Respondent/State	Mr. Neeraj Jain, GA.

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 13-3-2017 in connection with Crime No. 33/2017 registered in PS Chandrapur, distt. Janjgir Champa for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915 by the order of JMFC, Dabhra, Distt. janjgir Champa.
3. Learned counsel for the applicant submits that the applicant is the first offender. He is in jail for the last one month and six days. As per prosecution case, 15 litre hand made country 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. However he fairly concedes that no criminal antecedent of the applicant is reported in the police case diary.
5. Perused the matter.
6. On due consideration, as the applicant is the first offender with no

criminal antecedent and is in jail for last 1 month and 6 days I am inclined to grant bail to the applicant. 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, Dabhra Distt. Janjgir Champa 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