

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2283 of 2017**

Hari Nirmalkar S/o Kham Singh Nirmalkar, Aged About 28 Years Caste Dhobi, Aged About 28 Years, R/o Village Heerabatar, Police Station & Post Office Chhura, District Gariyabannd, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Chhura, District Gariyaband, Chhattisgarh.

---- Respondent

For applicant	Mr. Shivendu Pandya, Adv.
For Respondent/State	Mr. Arvind Shukla, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26/04/2017**

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. 30/17 registered in PS Chhura, Distt. Gariyaband (CG) for offence punishable under Section 34 sub-section (2) of the IPC.
3. Learned counsel for the applicant submits that the applicant is the first offender with no criminal antecedent. This is first bail application before this Court. As per allegation, 5.400 bulk litre liquor along with Rs. 200/- sale amount and Rs. 100/- regarding text purchase 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 conceded 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, he is in jail for about 1 month and 13 days, 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the CJM, Gariyaband 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