

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2334 of 2017**

Kumendra Kshatry S/o Girdhari Kshatry Aged About 35 Years R/o
Village Ghanora, Police Station Pulgaon, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through : The District Magistrate, Durg, Police
Station Pulgaon, District Durg Chhattisgarh

---- Respondent

For applicant	Mr. Chandra Bhushan Kisharwani, Adv.
For Respondent/State	Mr. Vinod Tekam, Adv.

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 4-3-2017 in connection with Crime No. 122/2017 registered in PS Pulgaon for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the matter is pending before JMFC, Durg as Criminal Case No. 1947/2017. The applicant is the first offender. No criminal antecedent is reported by the police. As per allegation, 6.120 litre country liquor and cash of Rs. 180/- has been seized from the conscious possession of the applicant. If bail is granted, he will not repeat the offence. Trial may take some time. Therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the bail application. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.
5. Perused the matter.
6. Looking to the fact that the applicant is in jail for last 1 month and 22

days till date, charge sheet has been filed and trial may take some time, he is the first offender, 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Durg 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