

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2335 of 2017**

Pramod Kumar Dahire (Dahriya) S/o Kashiram Dahire Aged About 35 Years (Wrongly Mentioned In The Order Sheet Dahriya), R/o Village-Lokband, Police Station- Kota, Civil & Revenue District- Bilaspur, CG.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Kota, District- Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	Mr. Vinod Tekam, 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 12-3-2017 in connection with Crime No.65/2017 registered in PS Kota, Distt. Bilaspur for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that charge sheet has not yet been filed and the applicant is remanded by the JMFC, Kota. The applicant is the first offender. This is his first bail application before this Court. As per prosecution case, 10.260 litre liquor and one bottle beer of 750 ml 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 earlier police initiated two preventive proceedings against the applicant under Section 107 and 116 of the Cr.P.C., however no commission of similar offence is reported.

5. Perused the matter.
6. On due consideration, as the applicant is in jail for last 1 month and 14 days till date, he was not involved in any similar offence earlier and as submitted he will not repeat the offence in future, 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Kota 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