

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2327 of 2017**

Rakesh Jaiswal S/o Dular Jaiswal Aged About 19 Years Caste Kalar,
R/o Village Ghoghari, Police Station Dabhra, Tahsil Malkharouda,
District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, District Janjgir
Champa, Chhattisgarh.

---- Respondent

For applicant	Mr. Basant Dewangan, 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 15-3-2017 in connection with Crime No. 368/2016 registered in PS Dhabhra, Distt. Janjgir Champa for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that after investigation, charge sheet has been filed and the matter is pending before the JMFC, Janjgir, Distt. Janjgir Champa as Criminal Case No. 258/2017. The applicant is the first offender. This is his first bail application before this Court. As per prosecution case, 20.115 bulk litre country and foreign 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 conceded that no criminal antecedent of the applicant is reported by the police in the 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 last 1 month and about 12 days, though quantity of the seized liquor is on higher side but looking to the age of the applicant, 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. 40,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Janjgir 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