

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2515 of 2017**

Manish Thakur S/o Late K.L. Thakur, Aged About 25 Years R/o Ganpati Nagar Changora Bhatha, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Durg, District Durg, Chhattisgarh.

---- Respondent

For applicant	Mr. Rakesh Pandey, Adv.
For Respondent/State	Mr. Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28/04/2017**

1. Heard on I.A. No. 1/2017 for urgent hearing.
2. On due consideration, I.A. No. 1/2017 is disposed of.
3. Learned counsel for applicant submits that the matter may be heard finally.
4. Learned State counsel submits that diary is available and he is ready to argue the matter finally.
5. Heard finally with consent of the parties.
6. The applicant has preferred this application for grant of bail as he is arrested on 31-3-2017 in connection with Crime No. 162/2017 registered in PS Mohannagar, Distt. Durg for offence punishable under Section 34 sub-section (2) of the C.G. Excise Act.
7. Learned counsel for the applicant submits that charge sheet is not yet filed and the applicant is remanded by the CJM, Durg. The applicant is the first offender. This is his first bail application. As per prosecution case, 9.00 bulk litre 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.

8. Learned State counsel opposes the bail application. However he fairly conceded that police has not noticed any criminal antecedent of the present applicant of any offence.
9. Perused the matter.
10. On due consideration, as the applicant is the first offender with no criminal antecedent and he is in jail for last 29 days till date, considering the age of the applicant i.e. 25 years, and as submitted he will not commit any 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 CJM, Durg, CG for his appearance before the said Court regularly as and when directed by the said Court.
11. 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.
12. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge