

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2548 of 2017**

Gopalram Kanwar S/o Phul Jo Kunwar, Aged About 21 Years Caste Kanwar, R/o Village Nardha, Police Station & Post Office Magarlod, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant	Mr. Shivendu Pandya, Adv.
For Respondent/State	Mr. Vasim Miyan, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****8/5/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 31-3-2017 in connection with Crime No. 31/2017 registered in PS Panduka, Distt. Gariyaband for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that charge sheet has been filed and the matter is pending before the CJM Gariyaband as Criminal Case No. 382/2017. This is the first bail application before this Court. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time. As per allegation, 9 bulk litre liquor has been seized from the conscious possession of the applicant without any licence or permission. 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, considering the quantity of liquor seized and the period of detention i.e. 1 month and 9 days, age of the applicant, I am inclined to grant one opportunity to the applicant to live peacefully 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM Gariyaband 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