

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2763 of 2017**

Bholaram Sahu S/o Shri Poshan Sahu, Aged About 20 Years R/o
Village Badhena, Police Station Badhena, Tahsil Patan, District Durg,
CG.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Patan, District Durg, Chhattisgarh.

---- Respondent

For applicant	Mr. C.R. Sahu, 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 30-3-2017 in connection with Crime No. 56/2017 registered in PS Patan, 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 after investigation charge sheet has been filed and the matter is pending before JMFC, Patan as Criminal Case No. 118/2017. The applicant is the first offender. No criminal antecedent is reported by the police in the case diary. As per prosecution case, 7.800 bulk litre 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 no criminal antecedent of the applicant is reported by the police in the case diary.

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 30 days till date, 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 Patan 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

