

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2866 of 2017**

Suresh Nishad S/o Shyam Lal Nishad, Aged About 30 Years R/o
Village Tendo, Police Station Than Khamhariya, District Bemetara CG

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Than Khamhariya, District Bemetara Chhattisgarh

---- Respondent

For applicant	Mr. Suresh Kumar Verma, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17/05/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 8-4-2017 in connection with Crime No. 57/2017 registered in PS Than Khamhariya, Distt. Bemetara (CG) 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 is not filed, the applicant is remanded by the CJM Bemetara. This is first bail application before this Court. He is first offender. 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 country 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, he is in custody for last 1 month and 10 days, charge sheet is not yet filed and as submitted he will not commit any crime in future, considering the quantity of liquor, 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 Bemetara 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