

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2842 of 2017**

- Santosh Kumar Sen S/o Hetram Sen, Aged About 25 Years, R/o Village Devtarai Police Station Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shiv Kumar Guha, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****17-05-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.119/17 on 28-03-2017 by P.S. Kasdol, District- Baloda Bazar-Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicant is remanded by the CJM Baloda Bazar, C.G. The applicant is first offender. This is the first bail application. As per the allegation, 13.200 bulk liter country liquor has been seized from the applicant. The applicant will not commit any offence in future. He may be granted an opportunity to remain in bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant, though fairly conceded that there is no any criminal past of the applicant.
4. Perused the entire material.
5. On due consideration, as the applicant is in jail since one month and 21 days, he is first offender, aged about 25 years and as submitted he will not commit any offence in future, though the quantity of liquor so seized from the applicant is on higher side, but on account of other facts and circumstances, I

am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall remain peacefully in society. Consequently, the instant MCRC is hereby 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 Chief Judicial Magistrate Baloda Bazar, C.G. for his appearance before the said trial Court as and when directed till trial.

6. 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; and (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.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE