

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2889 of 2017**

- Dulari S/o Videshi Aged About 62 Years Cast Satnami, Occupation Labour, R/o Village Dullapur, Police Station Pipariya, District Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Department (Circle) Kabirdham District Kabirdham Chhattisgarh

---- Respondent

For applicant	Mr.A.K. Yadav, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18/05/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 9-4-2017 in connection with Crime No. 5/2017 registered in Excise Circle, Kawardha, Distt. Kabirdham 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 Kawardha. This is his first bail applicant 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, 16.200 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. Per contra, learned State counsel opposes the bail application on the ground of quantity of liquor so seized. 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 jail since 1 month and 9 days, and though quantity of the liquor so seized is on higher side but as submitted he will not commit any crime in future, charge sheet is not filed and trial may take some time, 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. 40,000/- with one solvent surety of the like sum to the satisfaction of the CJM Kawardha 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