

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2893 of 2017**

Mithlesh Kumar Sethiya S/o Mohan Sethiya Aged About 25 Years R/o
Village Kotwarpara Baniyagaon Police Station Farasgaon District
Kondagaon CG

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Kondagaon District
Kondagaon Chhattisgarh

---- Respondent

For applicant	Mr. P.K. Tulsiyan, Adv.
For Respondent/State	Mr. Anant Bajpai, 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 6-4-2017 in connection with Crime No. 89/2017 registered in PS Kondagaon Distt. Kondagaon for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the matter is pending before the CJM Kondagaon as Criminal Case no. 92/2017. 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, 19.200 bulk litre foreign 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 jail since last 1 month and 12 days, charge sheet has been filed and as submitted he will not commit any crime in future 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 Kondagaon 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