

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2901 of 2017**

Sikandar S/o Moh. Idul Minya, Aged About 32 Years R/o Bhagat Singh Ward, Mathapara, District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

State Of Chhattisgarh Through Thana Nandghat, District Bemetara CG

---- Respondent

For applicant	Mr. Sameer Singh, Adv.
For Respondent/State	Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

5-6-2017

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.98/2017 registered in PS Nandghat, 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 after investigation, charge sheet has been filed and the matter is pending before the CJM Bemetara as Criminal Case No. 694/2017. This is his first bail applicant before this Court. He is first offender. He may be granted bail as the trial may take time. As per allegation, 5.040 bulk litre country liquor has been seized from the conscious possession of the applicant without any licence or permission. Police has also seized one unnumbered Hero Splendor Plus motorcycle though engine number and chassis number have been mentioned in the seizure memo. He will not commit any offence in future if granted bail. Therefore, the applicant may be enlarged on bail.
4. Per contra, 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 one month and 26 days, charge sheet has been filed, trial may take some time, though the motorcycle seized from the applicant was not bearing any registration number but as the applicant is resident of distt. Baloda Bajar Bhatapara and other facts and as submitted he will not commit any crime in future, 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. 25,000/- 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. The applicant is further directed to furnish the material regarding registration number, name of the owner and other facts regarding the motorcycle to the concerned court and also to the concerned police station if he has the same.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge