

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3512 of 2017**

Mahadev Kamar S/o Mohan Kamar Aged About 32 Years R/o Village-
Bahanapathra (Kantakuridih), Post Office & Police Station- Keregaon,
Tahsil- Nagri, District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer Police Station
Keregaon, District- Dhamtari, Chhattisgarh.

---- Respondent

For applicant	Mr. Shivendu Pandya, Adv.
For Respondent/State	Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****9-6-2017**

1. Heard on I.A. No. 1/17 for urgent hearing and I.A. No. 2/17 for hearing the matter during summer vacation.
2. On due consideration, both the applications are disposed of.
3. Heard finally.
4. The applicant has preferred this application for grant of bail as he is arrested on 8-4-2017 in connection with Crime No. 17/2017 registered in PS Keregaon, Distt. Dhamtari (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
5. Learned counsel for the applicant submits that after investigation, police has filed charge sheet which is pending before the CJM Dhamtari as Criminal Case No. 1575/2017. As per allegation, 48 bulk litre hand made country liquor has been seized from the conscious possession of the applicant without any licence or permission. This is his first bail application. 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.

6. Per contra, learned State counsel opposes the bail application on the ground of quantity of the liquor so seized. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.
7. Perused the matter.
8. On due consideration, as the applicant is the first offender, he is in jail since 2 months and 1 day, trial may take some time, though huge quantity of liquor has been seized from the applicant, but 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. 1,00,000/- with two solvent sureties of Rs. 50,000/- each to the satisfaction of the CJM Dhamtari CG for his appearance before the said Court regularly as and when directed by the said Court.
9. 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Keregaon Distt. Dhamtari on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fail to do so, concerned police may intimate the trial Court and if the

trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

10. CC as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge**

Pathak