

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3710 of 2017**

- Vijay Patel, S/o Tulsiram Patel, Aged About 30 Years, R/o Village Kenduwa, Thana & Tahsil Saraipali, District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station Saraipali, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.10.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.119/17 on 12/04/2017, Police Station Saraipali, Distt. Durg, (C.G.) for the offence under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant would submit that after investigation police had filed charge-sheet which is presently pending before the Chief Judicial Magistrate, Mahasamund (C.G.) as Criminal Case No.1153/17. Learned counsel for the applicant would submit that applicant is the first offender and he will not commit any offence in future. As per allegation, from the applicant 153 bulk litre country liquor has been seized, he may be granted on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant, on the basis of huge quantity of liquor so seized from the applicant, though fairly considered that there is no earlier criminal antecedent of the applicant.

5. Perused the entire matter.

6. As the applicant is the first offender and he is in custody since 6 months till date, charge-sheet has been filed, trial may take some time. No earlier criminal antecedent is reported against the applicant, though the quantity of liquor so seized is on the higher side, but considering the long period of detention till date, I am inclined to grant one last opportunity to the applicant that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, the instant MCRC is allowed.

8. 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/- to the satisfaction of Chief Judicial Magistrate, Mahasamund (C.G.) 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. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

10. It is further directed that till the conclusion of the trial, present applicant shall mark their appearance before the Station House Officer/IO, Police Station Saraipali, Distt. Mahasamund **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicant fails to do so, the concerned police may inform the trial Court for the act and if their non-appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Register (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge