

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3843 of 2017

- Kaushilya Mehar W/o Shri Prem Lal Mehar, Aged About 45 Years, Caste Mehar, R/o Village Pakariya (Jhulan), Police Station Mulmula, Civil & Revenue District Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mulmula, Civil & Revenue District Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Paras Mani Shriwas, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

05-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.43/2017 on 30-3-2017 by P.S. Mulmula, District Janjgir-Champa, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is pending before the CJM Janjgir-Champa, C.G. as Criminal Case No.337/17. The applicant is first offender. This is the first bail application. As per the allegation, 56 bulk liter country liquor has been seized from the applicant. Trial may take some time. The applicant may be granted one opportunity to remain in bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant on the basis of the huge quantity of liquor so seized from the applicant, though fairly conceded that there is no any criminal antecedent of the present applicant.
4. Perused the entire material.
5. As the applicant is in custody since 3 months and 5 days till date, charge sheet has been filed, trial may take some time, he is first offender, though the quantity of liquor so seized from the applicant is on higher side, but

on consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any crime and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- each to the satisfaction of the Chief Judicial Magistrate Janjgir-Champa, C.G. for his appearance before the said Court as and when directed till trial.

6. 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; and (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.

7. Certified copy as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
JUDGE**