

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3981 of 2017**

Panchram Gond (Sabriya) S/o Balmukund Aged About 19 Years R/o Sabriya Dera Mulmula, Thana Mulmula, Tahsil Pamgarh, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through District Magistrate, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For applicant	Mr. Parag Kotecha, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 8-5-2017 in connection with Crime No. 55/2017 registered in PS Mulmula, Distt. Janjgir Champa 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, police had probably filed charge sheet which is pending before the CJM, Janjgir Champa, CG but he is not aware of the criminal case number as he has not been instructed after filing of the petition. This is his first bail application before this Court. He is first offender. As per allegation, from the conscious possession of the applicant 9 bulk litre country liquor and 5 bulk litre hand made country liquor total 14 bulk litre liquor has been seized. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.
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 2 months and 9 days, as per unconfirmed submission, charge sheet has been filed, trial may take some time, applicant is aged about 19 years, though quantity of the liquor so seized from the applicant is on the higher side but as there is no criminal antecedent, 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. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the trial court 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