

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4287 of 2017**

- Indrajeet S/o Hemlal Verma, Aged About 40 Years, R/o Village- Chingali, Police Chowki- Jalbandha, Khairagarh, District- Rajnandgaon, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through: The Incharge, Out Post Jalbandha, Police Station- Khairagarh, District- Rajnandgaon, Chhattisgarh

**---- Non-applicant**

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For Applicant – Smt. Savita Tiwari, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**31-07-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.163/2017 on 03-06-2017 by Out Post Jalbandha, Police Station Khairagarh, District Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Charge sheet has not yet been filed. The applicant is remanded by the Addl. CJM, Khairagarh, Distt. Rajnandgaon, C.G. The applicant is first offender. as per the allegation, from the applicant 5.760 bulk liter country liquor has been seized. He will not commit any offence in future. Trial may take some time. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and further submitted that earlier Crime No.72/15 under Section 36(C) of the Act, 1915 has been registered against the applicant.
4. Perused the entire material.
5. As the applicant is in custody since 1 month and 28 days till date, charge sheet has not yet been filed, trial may take some time, the applicant is first offender, and looking to the entire facts, I am inclined to grant one

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.25,000/- with one solvent surety of the like sum to the satisfaction of the Additional Chief Judicial Magistrate Khairagarh, District Rajnandgaon, 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**