

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4464 of 2017**

- Lulesh Bhoi S/o Kartik Bhoi, Aged About 31 Years R/o Bij Nigam, Ruabandha Sector, Police Station Bhilai Nagar, Tahsil & District Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Pulgaon, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Tarun Dansena, Advocate.
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.08.2017**

Heard finally.

2. The applicant has preferred this application for grant of bail as he is arrested on 08/04/2017, in connection with Crime No. 177/2017, registered in Police Station Pulgaon, Distt. Durg (C.G.) for offence punishable under Section 34 Sub-section (2) of Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that after investigation charge-sheet has been filed and the same is pending before the Judicial Magistrate First Class (JMFC) Durg, as Criminal Case No. 3158/17. This is his first bail application before this Court. He is the first offender. As per allegation 31.500 bulk litre country

liquor and sale proceed of Rs.1325/- has been seized from the conscious possession of the applicant without any license or permission. 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 concedes that no criminal antecedent of the applicant is reported by the police in the case diary.

5. Perused the matter.

6. As the applicant is the first offender, he is in jail since 4 months till date, charge-sheet is filed, trial may take some time, though quantity of liquor so seized from the applicant is on higher side but on consideration of entire facts, 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 JMFC Durg (C.G.), 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Pulgaon **on every 1st and 3rd Monday at 11:00 am** till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent reason 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.

8. Register (Judicial) is directed to send a copy of this 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.

9. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge