

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4581 of 2017**

Uday Bahadur S/o Late Man Bahadur Aged About 56 Years R/o Korea Colliery, Police Station Korea, Tahsil Baikunthpur, District- Korea , CG.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Baikunthpur, District- Koriya, Chhattisgarh.

---- Respondent

For applicant	Mr. Anil Gulati, Adv.
For Respondent/State	Mr. Neeraj Jain, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 26-3-2017 in connection with Crime No. 98/2017 registered in PS Baikunthpur, Distt. Korea (CG) 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 charge sheet has been filed and the same is pending before the CJM Baikunthpur, Distt. Korea as criminal case No. 286/2017. The charge sheet was filed against the present applicant, co-accused Kuleshwar Singh and Satbeer Singh. Other co-accused have been granted bail by this Court in MCRC No. 2730/2017 and MCRC No. 3083/2017 vide common order dated 12-5-2017. Case of the present applicant is similar to that of co-accused persons as from the joint and conscious possession of all the 3 accused persons 17.280 bulk litre foreign liquor and one 4 wheeler bearing Registration No. CG 10 BA 2204 have been seized. This is his first bail application before this Court. He is first offender. 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 and submits that applicant and other accused persons were transporting 17.280 bulk litre foreign liquor. Hence instant MCRC may be dismissed.
5. Perused the matter.
6. As the applicant is the first offender, he is in jail since 4 months and 15 days till date, charge sheet has been filed, co-accused Kuleshwar Singh and Satbeer Singh have been granted bail, case of the present applicant is similar to that of co-accused persons and considering the 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM Baikunthpur, Distt. Korea CG 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