

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4542 of 2017**

- Ajay Kumar Soni, S/o Shri Sampattilal Soni, Aged About 25 Years, R/o Village Karhi Bazar, Chouki Karhi Bazar, Police Station City Kotwali, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Pachpedi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Smt. Anju Ahuja, Advocate.

For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.09.2017**

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 20/06/2017, in connection with Crime No. 45/2017, registered in Police Station Pachpedi, Distt. Bilaspur (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is pending before the Judicial Magistrate First Class, Bilaspur (C.G.) as Criminal Case No.2156/17. There are total 3 co-accused including the present applicant i.e. Premu Nishad and Nanki Kumar Sen, both the co-accused granted bail by this Court in MCRC 4359/17 and MCRC

4428/17 respectively dated on 08/08/2017. The applicant is the first offender and as per allegation, the applicant and all 2 co-accused were at the spot along with 108 bulk litre handmade country liquor when the police reached to the spot the present applicant and co-accused Nanki Kumar Sen fled away from the spot police had seized the liquor from the co-accused Premu Nishad as the remaining co-accused granted bail and the case of the present applicant is similar with the Nanki Kumar Sen. The applicant will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State would submit that applicant though the applicant was also with the conscious possession of liquor so seized but he fled from the spot and the liquor was seized from the co-accused Premu Nishad, though fairly considered that applicant had no criminal antecedent reported against the applicant. Hence the instant MCRC may be dismissed.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody for 2 month 15 days till date, charge-sheet has been filed, trial may take some time, he is aged about 25 years and no criminal antecedent reported against the applicant though the quantity of liquor so seized on the higher side, on consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with two solvent sureties of Rs.50,000/- to the satisfaction of Judicial Magistrate First Class, Bilaspur (C.G.) for his appearance before the said Court regularly as and when directed by the said Court for their appearance before the said Court regularly as and when directed by the said Court.

9. 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 applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants 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 applicants 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.

10. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance before the Station House Officer/IO, Police Station Pachpedi, Distt. Bilaspur **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicants without any cogent and proper reason does not appear before the Police of Police Station Pachpedi, Distt. Bilaspur as directed, the concerned police may inform the trial Court for the act and if their non-appearance found to be without any proper and cogent reason, the instant order granting bail to the applicants shall

automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Register (Judl.) is further directed to send a copy of the 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.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge