

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4774 of 2017**

Riki Ram S/o Late Banau Ram Nishad Aged About 50 Years R/o
Village-Amleshwer, Police Station- Amleshwer, Tahsil- Patan & Distt-
Durg (CG). ----- **Applicant**

Versus

State of Chhattisgarh through Station Incharge, Police Station-
Amleshwer, Tahsil- Patan & District- Durg (CG). ----- **Respondent**

For applicant	Mr. Rudra Nath Mukharjee, Adv.
For Respondent/State	Mr. U.K.S. Chandel, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 15-5-2017 in connection with Crime No. 76/2017 registered in PS Amleshwar, Distt. Durg (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 against the applicant and co-accused Fattu Nishad and the same is pending before the JMFC, Bhilai-3, Distt. Durg, CG as Cr. Case No. 973/2017. This is his first bail application before this Court. He is first offender. As per allegation, 5.700 bulk litre country liquor and 360 ml country liquor has been seized from the conscious possession of the co-accused Fattu Nishad and the present applicant respectively. 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 3 months and 6 days, charge sheet has been filed, trial may take some time, 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Bhilai-3, Distt Durg 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