

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4767 of 2017**

Kishan Banjare S/o Late Shri Ganesh Ram Aged About 26 Years R/o Village Kurud, Police Station Mandir Hasod the. Arang District Raipur, Civil & Revenue District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through Police Station Mandir Hasod, District Raipur Chhattisgarh.

---- Respondent

For applicant	Mr. Ajay Mishra, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 14-6-2017 in connection with Crime No. 178/2017 registered in PS Mandir Hasod Distt. Raipur (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 present applicant and co-accused Bharat Das Vaishnav and the same is pending before the JMFC Raiupur as Criminal Case No. 5837/2017. This is his first bail application before this Court. He is first offender. As per allegation, from the joint conscious possession of applicant and the co-accused Bharat Das Vaishnav, 6.840 bulk litre country liquor has been seized. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take some time. It is also submitted that co-accused has been granted bail by this court vide order dated 16-8-2017 in MCRC No. 4620/2017 and case of the present applicant is similar to that of co-accused.
4. Per contra, learned State counsel opposes the bail application on the basis of quantity of the liquor seized from the joint

possession of the applicant and the co-accused. 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 2 months and 4 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender and as similarly situated co-accused has been granted bail by this court 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Raipur 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