

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5013 of 2017**

- Mukesh Kurre, S/o Siyaram Kurre, Aged About 22 Years, R/o Village Sunsuniya, Police Station And Tahsil- Bagbahara, District- Mahasamund, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station- Khallari, District- Mahasamund, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Shri Vikash Pradhan, Advocate.     |
| For Respondent/State | : Shri U.K.S. Chandel, Panel Lawyer. |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****28.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 01/07/2017, in connection with Crime No. 106/2017, registered in Police Station Khallari, Distt. Mahasamund (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that charge-sheet is not yet filed and the applicant has been remanded by Chief Judicial Magistrate, Mahasamund (C.G.). Learned counsel for the applicant would further submit that the applicant is the first offender and no criminal antecedent has been reported against him. As per the allegation, from the applicant 9 bulk litre of country liquor has been

seized. 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 opposes the arguments advanced on behalf of the applicant on the basis of quantity of liquor so seized from the applicant but fairly submits that he had no criminal antecedent.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody for 1 month 28 days till date, charge-sheet may be filed and may not be filed, trial may take some time, and there is no material in criminal antecedent, applicant is aged about 22 years, after consideration, I am inclined to grant one opportunity to the applicant so that he will 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 applicants are directed to be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of like some amount to the satisfaction of the Chief Judicial Magistrate, Mahasamund (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 applicants 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.

10. Certified Copy as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**