

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4978 of 2017**

- Tarachand Jangde, S/o Jodhram, Aged About 38 Years, Occupation Labour, R/o Sabratola, Police Station & Tahsil Sahaspur-Lohara, District Kabirdham, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sahaspur-Lohara, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Shri Pradeep Singh Rathore, Advocate.
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.08.2017**

Heard finally.

2. The applicant has preferred this application for grant of bail as he is arrested on 08/07/2017, in connection with Crime No. 163/2017, registered in Police Station Sahaspur-Lohara, Distt. Kabirdham (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 Chief Judicial Magistrate Kabirdham (C.G.), as Criminal Case No. 683/2017. As per allegation from the applicant 6.480 bulk litre country liquor has been seized. He is the first offender and will not commit any offence in future. As the trial may take some time for its

conclusion, he may be granted bail during the trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant on the basis of the quantity of liquor so seized, fairly conceded that applicant has no criminal antecedent.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody since 1 month 14 days till date, charge-sheet has been filed, trial may take some time for its conclusion, as submitted he will not commit any offence in future and also considering the other facts, I am inclined to grant 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.25,000/- with one solvent surety of like some amount to the satisfaction of the Chief Judicial Magistrate Kabirdham (C.G.), for his appearance before the said Court regularly as and when directed by the said Court till trial.

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 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Sahaspur-Lohara **on every 1st and 3rd Monday at 11:00 am** till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent reason and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

10. Register (Judicial) is directed to send a copy of this 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.

11. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge