

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5066 of 2017**

- Mukesh Sahu, S/o Shiv Sahu, Aged About 33 Years, R/o Ward No. 8, Nayapara Mahasamund, Police Station, Tahsil And District Mahasamund (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tumgaon, District Mahasamund (Chhattisgarh).

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate.
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer.

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 10/07/2017, in connection with Crime No. 91/2017, registered in Police Station Tumgaon, 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, police had seized 8.280 bulk litre of country liquor from

the joint possession of present applicant Jhanak Patel and Deepak Sharma the other co-accused granted bail by this Court in MCRC 4877/2017 and 4970/2017 respectively, dated 28/08/2017. The applicant 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 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 joint possession of present applicant and other co-accused though fairly submits that there is no criminal antecedent of the applicant.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody for 1 month 18 days till date, charge-sheet is not yet, trial may take some time, and other co-accused were already granted bail by this Court case of the present applicant is similar with the other co-accused and no criminal antecedent reported against the applicant, after consideration of the entire facts, 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