

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5065 of 207**

- Komal Pardhi, S/o Kaliram Pardhi, Aged About 32 Years, R/o Village Ghatiyakhurd, Police Station Nandini, District Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Nandini, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri C.R. Sahu, Advocate.

For Respondent/State : Shri Vinod Tekam, 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 05/07/2017, in connection with Crime No. 176/2017, registered in Police Station Nandini, Distt. Durg (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that police had filed charge-sheet which is pending before the Judicial Magistrate First Class Durg (C.G.) as Criminal Case No.5402/17. 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 5.00 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 and would submit that earlier following matters has been registered against the applicant.

S.No.	Crime No.	Offence U/S
1.	288/06	36C of the Chhattisgarh Excise Act, 1915.
2.	134/07	36C of the Chhattisgarh Excise Act, 1915.
3.	123/07	36C of the Chhattisgarh Excise Act, 1915.
4.	194/09	36C of the Chhattisgarh Excise Act, 1915.
5.	03/10	36C of the Chhattisgarh Excise Act, 1915.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody for 1 month 26 days till date, charge-sheet has been filed, trial may take some time, and there is no material in criminal antecedent, earlier though the applicant had involved in 5 matters but as they areailable one, after consideration, I am inclined to grant last 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 Judicial Magistrate First Class Durg (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. The applicants are further directed to appear before the concerned SHO/IO/in-charge of the Police Station Nandini, Distt. Durg, (C.G.) **on every 1st and 3rd Monday at 11:00 am** till trial. If the applicants fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicants remains absent without any cogent reason and proper reason as directed, the bail granted to applicants 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.

11. 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.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge