

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5110 of 2017**

- Khageshwar Bariha, S/o Chitrasen Bariha, Aged About 32 Years, R/o Village Pathsendri, Thana And Tahsil Saraipali, District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Saraipali, Distt. 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****29.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 23/07/2017, in connection with Crime No. 236/2017, registered in Police Station Saraipali, 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 40 bulk litre of handmade 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 huge quantity of liquor so seized from the applicant though fairly conceded that applicant had no criminal antecedent.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody for 1 month 7 days till date, charge-sheet is not yet, trial may take some time, no criminal antecedent reported against the applicant after consideration of the entire facts, I am inclined to grant one 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.1,00,000/- with two solvent sureties each of Rs.50,000/- to the satisfaction of CJM 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. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

10. The applicants are further directed to appear before the concerned SHO/IO/in-charge of the Police Station Saraipali, Distt. Mahasamund, (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