

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5089 of 2017**

Kamlesh Kumar Suryavanshi S/o Late Chaitram Suryavanshi, Aged
About 32 Years R/o Junwani, Police Station Smriti Nagar, Tahsil &
District Durg (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Chowki Smriti Nagar, Police
Station Supela, Tahsil & District Durg (Chhattisgarh).

---- Respondent

For applicant	Mr. Tarun Dadsena, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 18-7-2017 in connection with Crime No. 605/2017 registered in Out post Smriti Nagar, PS Supela, Durg Distt. Durg (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC Durg as Cr. Case No. 6127/2017. This is his first bail application before this Court. He is first offender. As per allegation, 6.700 bulk litre country liquor and Rs. 400/- cash as sale proceeds has been seized from the conscious possession of the applicant. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.
4. Per contra, learned State counsel opposes the bail application and submits that earlier Crime No. 351/2014 under Section 13 of the Gambling Act, 1867 has been registered against the applicant.

Therefore instant MCRC may be dismissed.

5. Perused the matter.
6. As the applicant is the first offender, he is in jail since 1 month and 10 days till date, charge sheet has been filed, trial may take some time, though earlier an offence of Gambling Act has been registered against the applicant but as the same is bailable one and not for the similar offence and as submitted he will not commit any crime in future and considering entire facts of the case, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Durg CG for his appearance before the said Court regularly as and when directed by the said Court.
7. 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. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge