

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5220 of 2017**

- Tirith Yadav, S/o Dindayal Yadav, Aged About 42 Years, Cast Raut, R/o Village Godpali Thana Patewa Tahsil And District Mahasamund, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Patewa, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate.
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****30.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 28/07/2017, in connection with Crime No. 116/2017, registered in Police Station Patewa, 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 after investigation police had filed charge-sheet which is pending before the 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, applicant was carrying 7.200 bulk litre of

country liquor on a motor-cycle bearing Registration No.CG 06 GD 1066 and also the police had seized the said motor-cycle during investigation. 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 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 2 days till date, charge-sheet has been filed, trial may take some time, 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 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.30,000/- with one solvent surety of like some amount to the satisfaction of 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. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge