

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5348 of 2017**

- Samaru, S/o Mansai, Aged About 45 Years, R/o Village Pargaon, Police Station Saliha, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Saliha, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Shri Sumit Shrivastava, Advocate.
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****05.09.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 25/07/2017, in connection with Crime No. 36/2017, registered in Police Station Saliha, Distt. Baloda Bazar-Bhatapara (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, applicant is remanded by the Chief Judicial Magistrate, Baloda Bazar-Bhatapara (C.G.). Learned counsel for the applicant would further submit that the applicant is the first offender and he will not commit any offence in future. As per the allegation, from the applicant 6.500 bulk litre of country liquor has been seized, 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, though fairly considered that there is no criminal antecedent of the applicant.

5. Perused the matter.

6. As the applicant is in custody for 1 month 10 days till date, charge-sheet is not yet filed, trial may take some time, and the applicant is the first offender and that applicant there is no criminal antecedent reported against the applicant, on 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, Baloda Bazar-Bhatapara (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.

Deeptijha

Sd/-
(Chandra Bhushan Bajpai)
Judge