

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5244 of 2017**

- Kameshwar Thakur @ Annu Thakur, S/o Omprakash Thakur, Aged About 23 Years, R/o Village Aamakoni, Police Station Khallari, Tahsil & District Mahasamund Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Khallari, Distt. Mahasamund (Chhattisgarh)

---- Respondent

For Applicant	: Shri B.L. Sahu, Advocate.
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01.09.2017**

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 05/07/2017, in connection with Crime No. 111/2017, registered in Police Station Khallari, 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 charge-sheet has been filed 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. As per the allegation, applicant was carrying 10.200 bulk

litre of handmade country on motorcycle bearing Registration No. CG 04 KT 5780. The co-accused Hemu Lal Mandlay was also with him when the Khallari police stopped them for search the applicant and co-accused Hemu Lal Mandlay absconded from the spot leaving the motorcycle and liquor has been seized from the spot and next day they were arrested. 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 conduct and quantity of liquor so seized though fairly considered 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 27 days till date, charge-sheet has been filed, trial may take some time and the applicant is aged about 23 years, 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.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 applicant 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