

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5248 of 2017**

- Mohammad Dastgi Aalam, S/o Abdul Gaffar, Aged About 40 Years, R/o 3 C Little Rasal Street Kolkatta 71, Police Station Shekspear, District Kolkatta (West Bengal).

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Ganj, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri C.R. Sahu, Advocate.

For Respondent/State : Shri Anant Bajpai, 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 29/07/2017, in connection with Crime No. 281/2017, registered in Police Station Ganj Raipur, Distt. Raipur (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 is remanded by the Judicial Magistrate First Class, Raipur (C.G.). Learned counsel for the applicant would further submit that the applicant is the first offender. As per the allegation, from the applicant 19 bulk litre of foreign 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 would submit that applicant was a resident of Kolkata, West Bengal and he was found in illegal possession of liquor worth Rs.76,000/- goes to show the brand of foreign liquor was of higher price, though fairly considered that applicant had no criminal antecedent noticed by Ganj police, looking to their entire act of the and residents, the instant MCRC may be dismissed.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody for 1 month 3 days till date, charge-sheet is not yet filed, trial may take some time and the applicant is aged about 23 years, though the applicant is a resident of Kolkata, West Bengal but though the said fact alone may not be enough for denial of bail, on consideration as the police had not collected any matter regarding 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 of Rs.50,000/- to the satisfaction of Judicial Magistrate First Class, Raipur (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. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance before the Station House Officer/IO, Police Station Ganj Raipur, Distt. Raipur **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicants without any cogent and proper reason do not appear before the Police of Police Station Ganj Raipur, Distt. Raipur as directed, the concerned police may inform the trial Court for the act and if their non-appearance found to be without any proper and cogent reason, the instant order granting bail to the applicants shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Register (Judl.) is further directed to send a copy of the 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