

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5330 of 2017**

- Gulab Chandrakar, S/o Shivratan Chandrakar, Aged About 39 Years, Caste Kurmi, R/o Village Bhusdi, Thana- Khariyarroad, Tahsil And District Nuvapada, Odisha.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate.
For Respondent/State	: Shri Ashok Swarnkar, 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 29/07/2017, in connection with Crime No. 93/2017, registered in Police Station Komakhan, 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 charge-sheet is not yet filed, applicant is remanded by the Chief Judicial Magistrate, Mahasamund (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 29.360

bulk litre of handmade country/foreign liquor has been seized along with sale proceeds Rs.2100/-, 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 7 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, though the quantity of liquor so seized was on the higher side, on 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.50,000/- with two solvent sureties of Rs.25,000/- 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. 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 Komakhan, Distt. Mahasamund (C.G.) **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 Komakhan, Distt. Mahasamund (C.G.) 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