

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5273 of 2017**

- Resham Khunte, S/o Ramdas Khunte, Aged About 47 Years, Caste Satnami, R/o Village Dhobnidih, Outpost Bhatgaon, P. S. Bilaigarh, District Balauda Bazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Outpost Bhatgaon, Police Station Bilaigarh, District Balauda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Pandey, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****31.08.2017**

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 28/07/2017, in connection with Crime No. 296/2017, registered in Outpost-Bhatgaon Police Station Bilaigarh, Distt. Balauda 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 and the applicant has been remanded by the Chief Judicial Magistrate, Balauda Bazar (C.G.). Learned counsel for the applicant would further submit that the applicant is the first offender. Earlier, never involved in any case with the similar offence. As per the allegation, from the applicant 5.085 bulk litre of country 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 opposes the arguments advanced on behalf of the applicant and would submit that earlier following matter has been registered against the applicant.

S.No.	Crime No. / Complaint No.	Under Section
1.	92/09	107 & 116 Section 3 of the Cr.P.C.
2.	113/11	107 & 116 Section 3 of the Cr.P.C.
3.	124/11	294, 506, 323 & 34 of the IPC.

Hence, 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, there is no facts regarding the involvement of the applicant with the similar crime, though earlier two matters for preventive proceedings has been initiated against the applicant and another matter of penal offences has been registered and the said matter was about 6 years ago, 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.25,000/- with one

solvent surety of like some amount to the satisfaction of Chief Judicial Magistrate, Balauda Bazar (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