

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5318 of 2017**

- Ramesh Khute, S/o Chhotu Khute, Aged About 45 Years, R/o Village Bija, P.S. Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Takhatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ravindra Sharma, Advocate.
For Respondent/State	: Shri Wasim Miyan, 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 03/08/2017, in connection with Crime No. 305/2017, registered in Police Station Takhatpur, Distt. Bilaspur (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 matter is under investigation, applicant is remanded by the Judicial Magistrate First Class, Bilaspur (C.G.). Learned counsel for the applicant would further submit that the applicant will not commit any offence in future. As per the allegation, from the applicant 6 bulk litre of handmade 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 and also as Crime No. 274/17 under Section 34(1)a of the Chhattisgarh Excise Act, 1915.

5. Perused the matter.

6. As the applicant is in custody for 2 months till date, charge-sheet is not yet filed, trial may take some time, though earlier one matter has been registered for the similar offence, as the said matter was bailable one, 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 Judicial Magistrate First Class, Bilaspur (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.

Sd/-
(Chandra Bhushan Bajpai)
Judge