

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5389 of 2017**

- Aman Garcha, S/o Hari Singh, Aged About 29 Years, R/o Village Baputola, Police Station Chichola, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Excise Circle, Chichola, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri S.S. Baghel, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06.09.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 05/08/2017, in connection with Crime No. 54/2017, registered in Police Station (Excise) investigation agency Excise Circle Chichola, Distt. Rajnandgaon (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 applicant is remanded by the Chief Judicial Magistrate, Rajnandgaon (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 5.940 bulk litre of foreign liquor has been seized. Learned

counsel would further submit that earlier Crime No. 67/15 has been registered against the present applicant and one co-accused Gajraj Singh which was registered as Criminal Case No. 1469/15 before the Chief Judicial Magistrate, Rajnandgaon (C.G.) vide order dated 27/01/2017 acquitted the applicant and the co-accused with this, he had no criminal antecedent, 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, as one aforementioned has been registered against the applicant, though applicant acquitted in the said matter.

5. Perused the matter.

6. As the applicant is the first offender and he is in custody for 1 month and 1 day till date, charge-sheet is not yet filed, trial may take some time, though as aforementioned one matter has been registered against the applicant but in the said matter applicant was acquitted by the Criminal Court in the present matter, there is no criminal antecedent reported against the applicant, 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.25,000/- with one solvent surety of like some amount to the satisfaction of Chief Judicial Magistrate, Rajnandgaon (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.

Deeptijha

Sd/-
(Chandra Bhushan Bajpai)
Judge