

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5387 of 2017**

- Parmeshwar Nirmalkar, S/o Mahangu Nirmalkar Aged About 42 Years, R/o Pathariya, Tahsil Pathariya, District- Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: The Station House Officer, Police Station Pathariya, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Shri P.P. Sahu, Advocate.
For Respondent/State	: Shri Anant Bajpai, 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 02/08/2017, in connection with Crime No. 389/2017, registered in Police Station Pathariya, Distt. Mungeli (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, Mungeli (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 7.200 bulk litre of 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, 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 4 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, 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 Chief Judicial Magistrate, Mungeli (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 remain 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