

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5388 of 2017**

- Ishwar Kaushal, S/o Janpad (Wrongly Mentioned Janpat) Aged About 25 Years, Caste- Mahra, R/o Village Pasid, Police Station Baloda Bazar, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri P.P. Sahu, 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 27/06/2017, in connection with Crime No. 317/2017, 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 after investigation police had filed charge-sheet which is pending before 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 joint possession of the applicant and Purshottam

Mahra 5.220 bulk litre of country liquor has been seized, the co-accused granted bail by this Court in MCRC No. 5096/17 dated on 28/08/2017, case of the applicant is similar, 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 the first offender and he is in custody for 2 months 9 days till date, charge-sheet has been filed, trial may take some time, and the co-accused granted bail as aforementioned, case of the applicant is similar and the co-accused is the first offender, 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, 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 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