

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5395 of 2017**

Ayodhya Prasad S/o Shri Agnu, Aged About 40 Years R/o Village Sanbahli, Outpost Bhawarpur, Police Station And Tahsil Basnal, District Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Outpost Bhawarpur, Police Station Basna, District Mahasamund Chhattisgarh.

---- Respondent

For applicant	Mr. Sameer Singh, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****6-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 31-7-2017 in connection with Crime No. 343/2017 registered in Outpost Bhawarpur, PS Basna, Distt. Mahasamund for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the CJM Mahasamund as Cr. Case No. 1744/2017. This is his first bail application before this Court. He is first offender. As per allegation, 10 bulk litre hand made country liquor has been seized from the conscious possession of the applicant. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.
4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant on the basis of the quantity of the liquor so seized from the applicant. However he fairly concedes that no criminal

antecedent of the applicant is reported by the police in the case diary.

5. Perused the matter.
6. On due consideration, as the applicant is the first offender, he is in custody since 1 month and 7 days till date, charge sheet has been filed, trial may take some time, and as submitted he will not commit any crime in future and considering entire facts of the case, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 40,000/- with one solvent surety of the like sum to the satisfaction of the CJM Mahasamund CG for his appearance before the said Court regularly as and when directed by the said Court.
7. 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 applicant suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicant 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 applicant 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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge