

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5434 of 2017**

- Anil Gupta S/o Vijay Kumar Gupta, Aged About 30 Years, Cast Kolta, R/o Village Tribhauwna, P.S. and Tahsil Pusour, District Raigarh, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Pusour, District Raigarh, Chhattisgarh

**---- Non-applicant**

---

For Applicant – Shri N.K.Chatterjee, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

---

**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**07-09-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.73/2017 on 07-05-2017 by P.S. Pusour, District Raigarh, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation charge sheet been filed against the present applicant and co-accused Samaru Pobia, which is pending before the CJM Raigarh as Criminal Case No.477/17. Learned counsel for the applicant would further submit that the applicant is first offender, he will not commit any offence in future and as per the allegation, the applicant and co-accused Samaru Pobia were taking 9 bulk liter hand made country liquor in a motorcycle bearing registration No. CG 13 R 6661. The said liquor and the motorcycle was seized from the co-accused, the applicant was also in conscious possession of said liquor. The co-accused was granted bail by this Court in MCRC No.3728/2017 vide order dated 22-06-2017. Case of the present applicant is similar rather better as compared to the co-accused. The applicant may be granted bail during trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the entire facts surfaced, though fairly conceded that the applicant had no criminal antecedent .

4. Perused the entire material.

5. As the applicant is in custody since 4 months till date, charge sheet has been filed, trial may take some time, the co-accused has been granted bail by this Court, case of the present applicant is similar to the co-accused, the applicant is first offender and as submitted he will commit any offence in future, after consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. 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 the like sum to the satisfaction of the Chief Judicial Magistrate Raigarh, C.G. for his appearance before the said Court as and when directed till trial.

6. 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; and (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.

7. Certified copy as per rules.

Sd/-  
**(Chandra Bhushan Bajpai)**  
Judge