

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5452 of 2017**

Larang Sai S/o Lal Sai, Aged About 24 Years caste Kodaku Occupation Labourer, R/o Village Narkeli (Lalmatiyapara), Police Station And Tahsil Baikunthpur, District Korea Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station And Tahsil Baikunthpur, District Korea Chhattisgarh.

---- Respondent

For applicant	Mr. Genesh Ram, Adv.
For Respondent/State	Mr. Vasim Miyan, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

8-9-2017

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 16-7-2017 in connection with Crime No. 195/2017 registered in PS Baikunthpur, Distt. Korea (CG) 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 presently pending before the CJM Baikunthpur, Distt. Korea as Cr. Case No. 595/2017. Police filed charge sheet against present applicant and co-accused Nimish Chargad who was granted bail by this Court in MCRC No. 5253/2017 vide order dated 31-8-2017. Case of the applicant is similar to that of co-accused as 5.410 bulk litre foreign liquor/beer has been seized from the joint possession of both the applicants. This is his first bail application before this Court. He is first offender. He will not commit any offence in future. 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 jail since 1 month and 25 days till date, charge sheet has been filed, trial may take some time, and as submitted he will not commit any crime in future, co-accused has been granted bail and case of the applicant is similar to that of co-accused 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the CJM Baikunthpur Distt. Korea 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