

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5507 of 2017**

- Hakim Khan, S/o Late Yusuf Khan, Aged About 46 Years, R/o Village Rani Gaon, Gudi Chowk, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Ma'am Soniya Kuldeep, Advocate.
 For Non-applicant/State : Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No. 241/2017 on 13/08/2017 by Police Station Ratanpur Bilaspur, Distt. Bilaspur (C.G.) for the offence 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 Judicial Magistrate First Class, Kota (C.G.). Learned counsel for the applicant would further submit that applicant is the first offender. As per allegation, from the applicant 5.900 bulk litre handmade country liquor/country liquor has been seized, as the trial may take some time, he is the first offender

and he will not commit any offence in future, he may be granted bail during the trial.

4. Per Contra, learned counsel for the respondent/State opposes the argument advanced on behalf of the applicant though fairly conceded that there is no criminal antecedent of the applicant.

5. Perused the entire material.

6. As the applicant is the first offender, he is in custody since last 31 days till date, charge sheet is not yet filed, trial may take some time and 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, the instant MCRC 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 Judicial Magistrate First Class/Trial Court (C.G.) for his 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 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.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge