

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5626 of 2017**

Rajesh Jangade S/o Late Ramsingh Jangade, Aged About 21
Years R/o Indira Colony Mandir Hasaud, District Raipur
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Rakhi, District
Raipur CG.

---- Respondent

For applicant	Mr. Yogeshwar Sharma, Adv.
For Respondent/State	Mr. Vasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****13-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 28-7-2017 in connection with Crime No. 107/2017 registered in PS Rakhi, Distt. Raipur (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that police has not yet filed charge sheet, the applicant is remanded by the CJM Raipur. This is his first bail application before this Court. He is first offender aged about 21 years. As per allegation, present applicant and co-accused Sanny Sharma @ Tahlu were going on a motorcycle without any registration number displayed along with 8 bulk litre country liquor. Police during investigation seized said unnumbered motorcycle from the present applicant and liquor from the co-accused. 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. As the applicant is the first offender, he is in jail since 1 month and 17 days till date, charge sheet has not been filed, trial may take some time, from the applicant one unnumbered motorcycle has been seized, he is aged about 21 years, 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM Raipur 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. The applicant is further directed to submit papers of the vehicle which he was driving at the time of incident if in possession. If not in possession, intimate the fact regarding registered owner of the said vehicle to the concerned police and also to the concerned remand court if he knows about said fact.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge