

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5670 of 2017**

- Mahettar, S/o Hetram, Aged About 35 Years, Caste Satnami, R/o Village Raipura, Police Station Baradwar, District Janjgir-Champa Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant : Shri Yogeshwar Sharma, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime (Excise) No.128/17 on 15/08/2017, Police Station Investigation Agency Excise Circle Flying Squad, Janjgir Distt. Janjgir-Champa, (C.G.) for the offence under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant would submit that after investigation police had filed charge-sheet which is presently pending before the Chief Judicial Magistrate, Janjgir, Janjgir-Champa (C.G.) as Criminal Case No.737/17 applicant is the first offender and he will not commit any offence in future. As per allegation, from the applicant 20 bulk litre handmade country liquor

has been seized, trial may take some time, he may be granted bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant, on the basis of quantity of liquor so seized though fairly considered that there is no criminal antecedent of the applicant.

5. Perused the entire matter.

6. As the applicant is the first offender, he is in custody since 1 month and 5 days till date, charge-sheet has been filed, trial may take some time and there is no criminal antecedent reported against the applicant, on due consideration, I am inclined to grant an 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 is allowed.

8. 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 like some amount to the satisfaction of Chief Judicial Magistrate, Janjgir, Distt. Janjgir-Champa (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. It is further directed that till the conclusion of the trial, present applicant shall mark their appearance before the Station House Officer/IO, Police Station Excise Circle, Janjgir, Distt. Janjgir Champa (C.G.) **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Excise Circle, Janjgir, Distt. Janjgir Champa (C.G.) as directed, the concerned police may inform the trial Court for the act and if their non-appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Register (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge