

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5673 of 2017**

- Gurusharan Dansena, S/o Balkishan, Aged About 24 Years, Caste Dansena, R/o Village Faguram, P.S. Dabhra, District Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Dabhra, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Shri Sanjay Agrawal, Advocate
 For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.287/17 on 06/08/2017, Police Station Dabhra, 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 charge-sheet is not yet filed, applicant is remanded under the authority of Chief Judicial Magistrate, Janjgir-Champa (C.G.) applicant is the first offender and he will not commit any offence in future. As per allegation, from the applicant 12 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 applicant had no criminal antecedent but father of the applicant is involved in for 2 similar offences.

5. Perused the entire matter.

6. As the applicant is in custody since 1 month and 13 days till date, charge-sheet is not filed yet filed. Earlier, criminal antecedent of the father of the applicant does not affects the fate of the applicant for consideration on bail, trial may take some time, 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.30,000/- with one solvent surety of like some amount to the satisfaction of Chief Judicial Magistrate, 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 applicants 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