

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5699 of 2017**

- Sanjay Kumar Kar, S/o G.C. Kar, Aged About 47 Years, R/o House No. C / 55, R/o Industrial Area, Jamul, District Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Supela District Durg Chhattisgarh.

---- Respondent

For Applicant : Shri Avinash Chand Sahu, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.567/17 on 08/07/2017, Police Station Supela, Distt. Durg, (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 which is presently pending before the Chief Judicial Magistrate, Durg (C.G.) as Criminal Case No.6767/17. Learned counsel for the applicant would submit that the applicant is the first offender and he will not commit any offence in future. As per allegation, from the applicant 11.700 bulk litre country liquor has been seized along with one Activa Scooter

bearing Registration No. CG 07 BA 5801, 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 from the applicant, 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 2 months and 13 days till today, charge-sheet has been filed, trial may take some time and he will not commit any offence in future and there is no criminal antecedent reported against the applicant, on due consideration, 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 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, Durg (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