

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5807 of 2017**

Purandhar Bhardwaj S/o Lusram Bhardwaj, Aged About 29 Years R/o
Village Kulba, Police Station Dabhara, District Janjgir Champa, CG.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Of Police Station
Malkharoda, District Janjgir Champa, Chhattisgarh.

---- Respondent

For applicant	Mr. C.P. Lahrey, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 21-8-2017 in connection with Crime No. 128/2017 registered in PS Malkharoda, Distt. Janjgir Champa (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that charge sheet is not yet filed, the applicant is remanded by the CJM Janjgir, Distt. Janjgir Champa. There are total 3 accused persons in the matter. Co-accused Shiva Bhardwaj and Rambilas have been granted bail by the Sessions Judge, Distt. Janjgir Champa as nothing has been seized from the above co-accused. This is his first bail application before this Court. He is first offender. As per allegation, 20 bulk litre hand made country liquor has been seized from the conscious possession of the applicant. 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 custody since 1 month and 7 days till date, charge sheet is not yet filed, trial may take some time, 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. 40,000/- with one solvent surety of the like sum to the satisfaction of the CJM, Janjgir 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Malkharoda, Distt. Janjgir Champa (CG) on 1st and 3rd Monday of every month at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may

proceed further under the provisions of law under intimation.

8. Addl. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak