

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5901 of 2017**

Nandkumar Khuntel S/o Dhiraji Khuntel, Aged About 37 Years R/o
Village Thehkadih, Police Station & Tehsil Khairagarh, District
Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Rajnandgaon,
District Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant	Mr. Dashrath Prajapati, Adv.
For Respondent/State	Mr.Arvind Shukla, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****9-10-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 1-9-2017 in connection with Crime No. 260/2017 registered in PS Khairagarh, Distt. Rajnandgaon (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 Additional Chief Judicial Magistrate, Khairagarh Distt. Rajnandgaon. This is his first bail application before this Court. He is first offender. As per allegation, 6.300 bulk litre foreign 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. He further submits that earlier on 18-12-2014 similar matter under Section 34 sub-section (1)(a) of the Act of

1915 was registered against him.

5. Perused the matter.
6. On due consideration, as the applicant is in jail since 1 month and 9 days till date, charge sheet is not yet filed, trial may take some time, though earlier a similar matter was registered against the applicant but it was bailable one 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the A.C.J.M. Khairagarh Distt. Rajnandgaon 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. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

