

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5941 of 2017**

- Chaganlal Deshlehra, S/o Shri Tokhan Deshlehra, Aged About 42 Years, Caste Satnami, R/o Tamora, Police Station Ranchirai, District- Balod, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through Station House Officer, Gunderdehi, District- Balod, Chhattisgarh.

---- Respondent

For Applicant : Shri Anurag Jha, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.10.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.303/17 on 29/08/2017, Police Station Gunderdehi, Distt. Balod (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, Balod (C.G.) as Criminal Case No.289/17. Learned counsel for the applicant would further submit that applicant is the first offender and he will not commit any offence in future. As per allegation, from the applicant 9.360 bulk litre foreign liquor has been seized, he may be granted on 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 earlier criminal antecedent of the applicant.

5. Perused the entire matter.

6. As the applicant is the first offender and he is in custody since 1 month and 14 days till date, charge-sheet has been filed, trial may take some time. No criminal antecedent is reported against the applicant, after consideration of the entire facts, I am inclined to grant one opportunity to the applicant 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, Balod (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