

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1743 of 2017**

Sanjay Chandani S/o Shri Rajkumar Chandani, Aged About 34 Years R/o Purani Basti, Baloda Bazar, Police Station & Tahsil Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali, Baloda Bazar, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 18-2-2017 in connection with Crime No. 57/2017 registered in PS City Kotwali, Baloda Bazar for offence punishable under Section 34 sub-section (4) of the CG Excise Act. After investigation, charge sheet has been filed before the C.J.M. Baloda Bazar though learned counsel for the applicant is not in a position to state the criminal case number.
3. Learned counsel for the applicant submits that the applicant is in jail for the last 2 months. As per allegation, from the conscious possession of the applicant without any licence or permission, 5.22 bulk litre liquor has been seized. If bail is granted, he will not repeat the offence. Therefore, the applicant may be enlarged on bail. It is further submitted that as per document filed along

with covering memo dated 17-4-2017 in all the 4 matters registered against the applicant under Section 36(c) of the CG Excise Act, 1915, the applicant is punished with fine sentence and in all the 4 matters the applicant has deposited entire fine amount.

4. Per contra, learned counsel for the State opposes the arguments of the learned counsel for the applicant and submits that all the aforementioned 4 cases under Section 36(c) of the CG Excise Act, 1915 as mentioned in the order sheets filed along with covering memo goes to show that the applicant was sentenced under the authority of law and he has criminal antecedent. Hence application may be rejected.
5. Perused the material.
6. On due consideration, it appears that though on four occasions the applicant is sentenced for fine sentences under Section 36(c) of the Excise Act, however in the present matter he is in jail for last 2 months and looking to the quantity of the liquor so seized, I am inclined to allow instant MCRC. 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 CJM, Baloda Bazar 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 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**