

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1753 of 2017

- Rajkumar Dhimar @ Guddu S/o Late Firanta Dhimar, Aged About 42 Years R/o Near Goura Choura, Borsibhatha Durg, Tahsil And District. Durg, Chhattisgarh.

---- applicant

Versus

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

---- Respondent

For applicant	Mr. Jitendra Gupta, Adv.
For Respondent/State	Mr. Anant Bajpai, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

28/03/2017

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Cr. No. 47/2017 registered in PS Pulgaon, Durg for offence punishable under Section 34 (2) of the CG Excise Act. Charge sheet has been filed before the Judicial Magistrate First Class, Durg in Criminal Case No. 1373/2017.
3. Learned counsel for the applicant submits that as per allegation, the applicant found to be in illicit possession of 6.12 bulk litre of duty paid country liquor. He is in jail since 25-1-2017 till date. He has not committed similar offence earlier. It is first bail application. No other application for grant of bail has been filed by the applicant before this Court or before Apex Court. He be granted bail.
4. Per contra, learned counsel opposes the bail application. He further

submits that crime No. 48/2006 is registered under Section 13 of the Gambling Act and also Crime No. 267/2016 by Pulgaon police.

5. Perused the material available.
6. On due consideration, though two other criminal cases are registered against the present applicant but the applicant was not involved in commission of similar offence earlier to the present case and I am inclined to grant bail to the applicant.
7. 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 Judicial Magistrate First Class, Durg CG for his appearance before the said Court regularly as and when directed by the said Court.
8. 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.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge