

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1807 of 2017**

Rajkumar Dhritlahre S/o Sawaldas Dhritlahre, Aged About 27 Years
 R/o Village Mopka, Tahsil Bhatapara, Police Station
 Bhatapara(Gramin) , Revenue And Civil District Baloda Bazar-
 Bhatapara, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through, the Station House Officer, Police Station
 - Bhatapara (Gramin), Revenue & Civil , District -Baloda Bazar-
 Bhatapara , Chhattisgarh.

---- Respondent

For applicant	Mr. A.P. Sharma, Adv.
For Respondent/State	Mr. Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03/04/2017**

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. 63/2017 registered in PS Bhatapara (Gramin) for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that as per allegation, 8.10 litre of duty paid country liquor was seized from the conscious possession of the applicant. The charge sheet has not been filed. He may be given an opportunity and be enlarged on bail.
4. Learned State counsel opposes the bail application and submits that Criminal Case No. 1793/2014 is also pending against the present applicant under Section 34(2) of the CG Excise Act before the Judicial Magistrate First Class, Bhatapara and in the said trial, all the prosecution witnesses have been examined on 16-7-2015 but the matter is yet pending.
5. Though learned counsel for the applicant is unable to state the reasons for delay but submits that the attesting witnesses for seizure and other documents have not supported the prosecution case. As the delay is not on account of any act of the applicant in the said criminal case, it is prayed that he may be enlarged on bail.
6. Perused the case diary.

7. On due consideration of the entire facts, I am inclined to allow the bail application. 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 Chief Judicial Magistrate, Baloda Bajar 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 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 in future; (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. The Sessions Judge, Baloda Bajar is also directed to verify the fact whether Criminal Case no. 1793/2014 (State -v- Rajkumar Dhritlahre) under Section 34 sub-section (2) of the CG Excise Act is pending before the JMFC, Bhatapara/CJM Baloda Bajar despite the evidence is adduced by the prosecution in the matter. If so direct the said trial Judge to expedite the matter and dispose of the same as expeditiously as possible preferably within one month from receipt of the order.
10. Copy of the order be sent to the Sessions Judge, Baloda Bajar for compliance under intimation to the Registry.
11. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge