

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1918 of 2017**

Toran Banjare S/o Pram Das Banjare, Aged About 30 Years R/o Village
Chunkatta, Police Station Utai, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Utai, District Durg, CG.

---- Respondent

For applicant	Mr. Jitendra Gupta, Adv.
For Respondent/State	Mr. Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 4-3-2017 in connection with Crime No. 404/2016 registered in PS Utai, Distt. Durg for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that the applicant is remanded to jail by JMFC, Patan, Distt. Durg. He is the first offender. As per prosecution case, 12.800 bulk litres of liquor has been seized from the conscious possession of the applicant without any licence or permission. If bail is granted, he will not repeat the offence. Therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the bail application. He submits that Crime No. 62/2007 under Section 36(C) of the CG Excise Act, 1915 and Crime No. 176/2016 under Section 34(1) of the CG Excise Act have been registered against the applicant which shows the criminal antecedent of the applicant. Hence bail application may be rejected.
5. Perused the matter.

6. On due consideration of the facts and circumstances of the case and quantity of the liquor, I am inclined to grant one opportunity to the applicant to live 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Patan distt. Durg 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