

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2107 of 2017**

Pawan Sonkar S/o Vishram Sonkar, Aged About 29 Years R/o
Bhathagaon, Near Ganesh Chowk Chharrapara, Police Station Purani
Basti, Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Purani Basti, Raipur, District Raipur Chhattisgarh

---- Respondent

For applicant	Mr. C.R. Sahu, Adv.
For Respondent/State	Mr. Neeraj Sharma, Dy. GA.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 8-12-2016 in connection with Crime No. 452/2016 registered in PS Purani Basti, Raipur for offence punishable under Section 34 sub-section (2) of the CG Excise Act. Charge sheet has been filed and the matter is pending before the JMFC, Raipur who has registered the same as Criminal Case No. 23805/2016.
3. Learned counsel for the applicant submits that the applicant is the first offender. The applicant has no criminal antecedent. As per prosecution case, 6.300 bulk litre foreign 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. 56/2015 under Section 452, 294, 506-B, 323 and 34 of the IPC has already been registered against the applicant which shows his criminal antecedent. Hence the bail application may be rejected.

5. Perused the matter.
6. Looking to the period of detention i.e. for more than 4 months, the quantity of the liquor seized from the applicant and other circumstances, 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 JMFC, Raipur 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