

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2158 of 2017**

Sandeep Tandan S/o Ishwar Tandan, Aged About 27 Years R/o Village Tekari, Police Station Mujgahan, Revenue And Civil District Raipur, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through: Station House Officer, Police Station Mujgahan Raipur, Revenue And Civil District- Raipur, Chhattisgarh.

---- Respondent

For applicant	Mr. A.P. Sharma, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 3-3-2017 in connection with Crime No. 47/2017 registered in PS Mujgahan, Raipur for offence punishable under Section 34 read with Section (2) of the CG Excise Act. After investigation, charge sheet has been filed and the matter is pending before ACJM, Raipur as Criminal Case No. 2924/2017.
3. Learned counsel for the applicant submits that this is first bail application. The applicant is not involved in any similar offence. If granted bail he will not commit any offence in future. As per allegation, 7.200 ml liquor has been seized from conscious possession of the applicant. The applicant may be enlarged on bail.
4. Learned State counsel opposes the bail application. He submits that on 4-8-2014 offence under section 294, 506 and 323/34 of the IPC was registered against the applicant and on the same day, police initiated preventive proceeding under Section 107 and 116 of the Cr.P.C. against the applicant. Hence the applicant is not the first offender. His bail application may be rejected.

5. Perused the case diary.
6. Looking to the facts that the applicant is in jail for last one and half month, charge sheet has been filed and trial may take time, the applicant was not involved in similar offence, though as aforementioned one matter in penal offence and another for preventive action has been initiated but looking to the quantity of the liquor so seized, I am inclined to grant bail. 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 ACJM, 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 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