

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2218 of 2017**

Vinay @ Bisru Bharti S/o Late Baldev Bharti, Aged About 20 Years R/o Odiya Mohalla, Shankarpur, Ward No. 7, Shahar, Tahsil / District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Out Post- Chikhli, Thana- Kotwali, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant	Mr. Sameer Singh, Adv.
For Respondent/State	Mr. Anant Bajpai, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 20-1-2017 in connection with Crime No. 53/2017 registered in Police Out Post Chikhli, PS Kotwali, Distt. Rajnandgaon for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that after investigation, police has filed charge sheet which is pending before the CJM, Rajnandgaon as Criminal Case No. 824/2017. The applicant is the first offender. This is his first bail application. As per allegation, 7.200 litre country 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 further submits that earlier the police had initiated two matters for prevention action against the applicant in the year 2013 and 2016 under Section 107, 116 sub-section (3) and Section 151 of the Cr.P.C. Hence his bail

application may be rejected.

5. Perused the matter.
6. On due consideration, as the applicant has not committed similar offence earlier, looking to the quantity of the liquor, though proceeding for prevention action had been initiated against the applicant in the past, 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 CJM, Rajnandgaon 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