

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2213 of 2017**

- Hiramani @ Paklu Gendre S/o Samaliya, Aged About 30 Years R/o Ward No. 1, Pipariya, Khairagarh, Police Station & Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant	Mr. G.P. Kurre, Adv.
For Respondent/State	Mr. Ashish Shukla, GA

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 14-3-2017 in connection with Crime No. 75/2017 registered in PS Khairagarh, Distt. Rajnandgaon for offence punishable under Section 34 read with Section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that the applicant is in custody under the order of ACJM, Khairagarh Distt. Rajnandgaon. He is the first offender. As per allegation, 8.250 bulk 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 submits that earlier Crime No. 299/2013 under Section 34(1)(a) of the CG Excise Act, Crime No. 22/2015 under Section 4(a) of the Gambling Act and proceedings for preventive action under Section 151, 107 and 116 sub-section (3) of the Cr.P.C. by filing complaint case No. 273/2013

have been initiated against the applicant. Hence bail application may be rejected.

5. Perused the matter.
6. On due consideration, though earlier Crime No. 299/2013 under Section 34(1)(a) of the CG Excise Act, Crime No. 22/2015 under Section 4(a) of the Gambling Act and proceedings for preventive action under Section 151, 107 and 116 sub-section (3) of the Cr.P.C. by filing complaint case No. 273/2013 have been initiated against the applicant, but looking to the quantity of liquor so seized and the applicant is in custody for last one month and five day, 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 ACJM, Khairagarh 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

Pathak