

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2344 of 2017**

Rajkumar Sinha S/o Chintaram, Aged About 45 Years R/o Village
Ghotwani, Police Station Dhamdha, District Durg Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Police In-charge, Dhamdha, District
Durg Chhattisgarh

---- Respondent

For applicant	Mr. Praveen Dhurandhar, Adv.
For Respondent/State	Mr. Ashish Shukla, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01/05/2017**

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. 37/2017 registered in PS Dhamdha, Distt. Durg for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that charge sheet has been filed and the matter is pending before JMFC, Durg as Criminal Case No. 2634/2017. The applicant is the first offender. No criminal antecedent is reported by the police in the case diary. As per prosecution case, 7.740 bulk litre 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 a matter under Section 34 sub-section (1) of the CG Excise Act and two matters for preventive proceedings under Section 107, 117 of the Cr.P.C. have been registered against the applicant which shows the criminal antecedent of the applicant. Hence the application may be

rejected.

5. Perused the material available.
6. On due consideration, as the applicant is in jail for 2 months, investigation is complete and charge sheet is filed and no similar offence has been registered against the applicant earlier, 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, 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