

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2307 of 2017**

Mukesh Patel S/o Shri Guharam Patel Aged About 32 Years R/o Ward No. 17, Tilda, Nevra, Police Station- Tilda Nevra, Tahsil- Tilda, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer Police Station- Tilda-Nevra, District Raipur, Chhattisgarh.

---- Respondent

For applicant	Mr. Syed Imtiyaz Ali, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

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 10-3-2017 in connection with Crime No. 101/2017 registered in PS Newra, Distt. Raipur for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that charge sheet is not yet filed and the applicant has been remanded by the JMFC, Tilda. The applicant is the first offender. As per prosecution case, 9.360 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 also crime No. 340/2015 has been registered by Newra Police against the applicant under Section 13 of the Gambling Act and Crime No. 98/2016 has been registered against the applicant under Section 34 sub-section (1)a of the CG Excise Act which shows his criminal antecedent. Therefore bail application may be rejected.

5. Perused the matter.
6. On due consideration, as the earlier offence registered against the applicant was bailable one and looking to the quantity of the liquor seized from the applicant and as submitted he will not commit any offence in future, 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. 50,000/- with two solvent sureties each of Rs. 25,000/ to the satisfaction of the JMFC, Tilda 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