

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2399 of 2017**

Mohan Murari S/o Agnu, Aged About 30 Years Caste Chouhan, R/o Village Gedapali, Police Chowki Bhatgaon, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh Through Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

---

|                      |                      |
|----------------------|----------------------|
| For applicant        | Mr. C.R. Sahu, Adv.  |
| For Respondent/State | Mr. Neeraj Mehta, PL |

---

**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****3/5/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 28-3-2017 in connection with Crime No. 134/2017 registered in PS Bilaigarh, Distt. Balodabazar, Bhatapara 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 filed, the applicant is remanded by the CJM, Baloda Bazar. This is first bail application. He is first offender. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time. As per allegation, 18 bulk litre country liquor has been seized from the conscious possession of the applicant without any licence or permission. Therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the bail application and submits that in the year 2007, complaint case No. 190/2007 under Section 107 and 116 of the Cr.P.C. for preventive action against the applicant was registered. IN the year 2015 also crime No. 235/2015 under Section 34 sub-section (1)a of the CG Excise Act was registered against him.

Hence he has criminal antecedent and this application may be dismissed.

5. Perused the matter.
6. On due consideration, as the applicant is in jail for 1 month and 1 week till date, charge sheet is not yet filed, through there are two earlier matters against the applicant, but looking to the entire facts of the case, I am inclined to grant one opportunity to the applicant to live peacefully 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 Baloda Bazar 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**