

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2388 of 2017**

- Upendra Sahu S/o Shri Bajrasen Sahu Aged About 24 Years R/o Village Bhikhapali, Police Station & Tahsil- Basna, Civil & Revenue District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer Police Station- Basna, District- Mahasamund, Chhattisgarh.

---- Respondent

For applicant	Mr. Sunil Sahu, Adv.
For Respondent/State	Mr. Anant Bajpai, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****2/5/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 24-3-2017 in connection with Crime No. 111/2017 registered in PS Basna Distt. Mahasamund 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 Mahasamund. He is in jail for last 1 month and a week. He is the 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, 33.120 bulk litre country/foreign 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. He submits that quantity of the liquor seized from the applicant is on higher side. He further submits that earlier Crime No. 134/2010 for preventive proceeding was registered under the applicant under Section 107 and

116 of the Cr.P.C. hence the applicant has criminal antecedent. The application may be dismissed.

5. Perused the matter.
6. On due consideration, considering the fact that preventive proceeding was initiated against 7 years back, though the quantity of the liquor seized is on higher side but as the applicant has not been involved in any similar offence, and looking to the period of detention, 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. 50,000/- with one solvent surety of the like sum to the satisfaction of the CJM Mahasamund, 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