

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2396 of 2017**

- Narayan Sinha S/o Milan Sinha Aged About 55 Years R/o Village Bhandarpur , Police Station Dongargarh, District Rajnandgaon, CG.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Dongargarh District Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant	Mr. S.S. Baghel, Adv.
For Respondent/State	Mr. Ashok Swarnkar, 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 29-3-2017 in connection with Crime No. 98/2017 registered in PS Dongargarh, Distt. Rajnandgaon 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, Rajnandgaon. He is in jail for last 1 month and 4 days. He will not commit any offence in future. He may be granted bail as the trial may take time. As per allegation, 6.300 bulk litre 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 and submits that earlier Crime No. 181/2016 has been registered against the present applicant for offence under Section 34(2) of the CG Excise Act and in the said matter police has filed charge sheet on 24-11-2016 which is registered as Criminal Case No. 3906/2016 before the CJM

Rajnandgaon and as per allegation in that case, 115 number of country liquor was seized which shows his criminal antecedent of like offence. Hence the bail application may be rejected.

5. Perused the matter.
6. On due consideration, as the applicant is in jail since one month and 4 days till date, quantity of liquor seized from the applicant and though another matter has been registered against him but as submitted the applicant will not commit any offence in future, 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. 40,000/- with one solvent surety of the like sum to the satisfaction of the CJM Rajnandgaon 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.

(Chandra Bhushan Bajpai)
Judge