

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2385 of 2017**

Chumman Sinha S/o Preetram Sinha, Aged About 35 Years R/o Village Chatukhapri, Presently R/o Mohara Out Post Mohara, Police Station Dongargarh, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Out Post Mohara Police Station Dongargarh, District Rajnandgaon Chhattisgarh

---- Respondent

For applicant	Mr. S.S. Baghel, Adv.
For Respondent/State	Mr. Vinod Tekam, 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. 100/2017 registered in Police Out Post Mahara, 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 the first offender. He is in jail for last 1 month and 4 days. 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, 15.300 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 earlier Crime No. 175/2012 under Section 36(C) of the Excise Act has been registered against the present applicant which shows his

criminal antecedent. Hence bail may be rejected.

5. Perused the matter.
6. On due consideration, though earlier a matter under Section 36(C) of the CG Excise Act has been registered against the applicant but looking to the nature and as the said crime was committed in the year 2012 and as the applicant is in jail for last 1 month and 4 days till date, charge sheet is not yet filed and looking to the quantity of the liquor seized, 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.

Sd/-
(Chandra Bhushan Bajpai)
Judge