

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2392 of 2017**

Sarabjeet Bagga @ Sonu S/o Nagendra Pal Singh, Aged About 30
Years R/o Power House Chowk Jagdalpur, District Bastar, CG.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Kotwali Chowki
Bastar Jagdalpur, District Bastar, Chhattisgarh.

---- Respondent

For applicant	Mr. P.K. Tulsiyan, Adv.
For Respondent/State	Mr. Arvind Shukla, 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 26-3-2017 in connection with Crime No. 105/2017 registered in Out Post Bastar, PS Kotwali, Jagdalpur for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that charge sheet has been filed which is pending before the Chief Judicial Magistrate, Jagdalpur as Criminal Case No. 474/2017. He is in jail for last 1 month and six days till date. 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, 5.590 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. 149/2015 under Section 34 sub-section (1) of the CG Excise Act has been registered against the applicant hence he has criminal antecedent and instant bail application may be dismissed.

5. Perused the matter.
6. On due consideration of the nature of earlier matter registered against the applicant, as he is in jail for last 1 month and 6 days, quantity of liquor so 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the CJM, Jagdalpur 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