

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2471 of 2017

Sitaram Sarthi S/o Shri Paluram Sarthi, Aged About 35 Years
Occupation Labour, R/o Village Bade Bhandar, Police Station Pusaur,
District Raigarh Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh through the Officer-in-charge of Police Station
Pusaur, District Raigarh Chhattisgarh

---- Respondent

For applicant	Mr. Roop Naik, Adv.
For Respondent/State	Mr. Ashish Shukla, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

04/05/2017

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 2-4-2017 in connection with Crime No. 51/2017 registered in PS Pusaur, Distt. Raigarh for offence punishable under Section 34(1)(a)(2) of the CG Excise Act.
3. Learned counsel for the applicant submits that after investigation, charge sheet has been filed and the matter is pending before the CJM Raigarh as Criminal Case No. 201/2017. 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, 24.480 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. He submits that earlier following cases have been registered against the applicant:

Sr.	Crime No. /Complaint case No.	Offence under Section
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1.	73/2006	324, IPC
2.	360/2015	107, 116, Cr.P.C.
3.	72/2016	107, 116, Cr.P.C.
4.	114/2016	34(1)(a) of the CG Excise Act
5.	406/2016	107, 116 of the Cr.P.C.

He submits that registration of above cases shows that the applicant is a habitual offender. Hence MCRC may be rejected.

5. Perused the matter.

6. On due consideration, as the applicant is in jail for last 1 month and 2 days, charge sheet is filed and investigation is completed, trial may take time, though from perusal of earlier criminal antecedent, it appears that thrice police had initiated preventive proceedings against the present applicant and once offence of keeping below 5 litre liquor has been registered against the applicant and also a penal offence under Section 324, IPC has been registered in the year 2006 and quantity of liquor so seized from the applicant is on higher side but as submitted he will not commit any offence in future, I am inclined to grant one more 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. 50,00/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the CJM Raigarh 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**

Pathak