

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2497 of 2017**

Rajendra Dewangan S/o Arjun Dewangan, Aged About 38 Years R/o
Maotipur, Chandan Nagar, Ward No. 2, District- Rajnandgaon, CG.

---- Applicant**Versus**

State Of Chhattisgarh Through The Out Post Chikhali, Police Station
Kotwali, District Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant	Mr. S.S. Baghel, Adv.
For Respondent/State	Mr. Vasim Miyan, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****15/05/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 30-3-2017 in connection with Crime No. 204/2017 registered in Out post Chikhali, PS Kotwali, 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 will not commit any offence in future if granted bail. He may be granted bail as the trial may take time. As per allegation, 16.200 bulk litre foreign liquor has been seized from the conscious possession of the applicant without any licence or permission. He further submits that Crime No. 443/2016 had been registered against the present applicant under Section 34(2) of the CG Excise Act. The CJM Rajnandgaon has acquitted the applicant in the said matter vide judgment dated 20-1-2017 passed in Cri. Case No. 2607/2016. Also Crime No. 160/2016 and 601/2016 under Section 34(1)(a) of the CG Excise Act were registered against him. The trial is going on and in both the matters

attesting witnesses are declared hostile by the prosecution and they have not supported the prosecution case which goes to show the cloud over the said matters in favour of the applicant. With this as the applicant is not previously convicted and he will not commit any offence in future, he may be grant bail.

4. Per contra, learned counsel for the State opposes the bail application and submits that registration of aforementioned 3 cases against the applicant goes to show the conduct of the applicant regarding commission of crime in similar type of offence. Hence instant MCRC may be dismissed.
5. As the applicant is in jail since 1 and half month, charge sheet is not yet filed, trial may take time, and considering the facts as surfaced regarding earlier registration of other matters against the applicant and the quantity of liquor so seized in the present matter, I am inclined to grant last opportunity to the applicant to live peacefully in the society without committing any crime.
6. 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 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

Pathak