

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2554 of 2017**

Rameshchandra Tandan S/o Ajeet Ram Tandan, Aged About 58 Years
R/o Village Parsadih, Police Station Bilaigarh, District- Baloda Bazar-
Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh S/o Through Station House Officer Police
Station Bilaigarh, District- Baloda Bazar - Bhatapara, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****8/5/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 1-4-2017 in connection with Crime No. 147/2017 registered in PS Bilaigarh 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 Baloda Bazar. 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, 5.76 bulk litre country and 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. 44/84 under Section 147, 294, 336, 34 of IPC was registered against the applicant and also one matter for preventive action was initiated against him in the year 1985 which shows his conduct. Hence his bail application may be rejected.

5. Perused the matter.
6. On due consideration, as the applicant is in jail since 1 month and 7 days till date, charge sheet is not filed in the present matter, quantity of liquor is 5.76 litre and the earlier proceedings belongs to about 30 years back, 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM Baloda Bajar 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