

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2800 of 2017**

Hani Singh Chawla S/o Jasbir Singh Chawla, Aged About 25 Years
Occupation Driver R/o Village Kashi Nagar Police Station Telibandha
District Raipur CG At Present R/o Village Kampa Police Station
Tumgaon, Tahsil And District Mahasamund Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Tumgaon, District Mahasamund Chhattisgarh

---- Respondent

For applicant	Mr. Vikas Pradhan, Adv.
For Respondent/State	Mr. Vasim Miyan, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17/5/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 4-4-2017 in connection with Crime No. 54/2017 registered in PS Tumgaon Distt. Mahasamund (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the matter is pending before the CJM, Mahasamund as Criminal Case no. S-726/2017. He is the first offender. 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, 66.560 bulk litre country liquor has been seized from the conscious possession of the applicant. Looking to the facts and circumstances of the case, he may be granted bail.
4. Per contra, learned State counsel opposes the bail application on the ground of quantity of the liquor so seized though fairly concedes that Tumgaon police has not reported any criminal antecedent of the applicant in the case diary.
5. Perused the matter.
6. On due consideration, as the applicant is in jail for last 1 month and 13 days, he is the first offender, though quantity of liquor seized from the

applicant is on higher side but as the charge sheet has been filed, the trial may take time, as stated he will not commit any crime in future, 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. 1,00,000/- with two solvent sureties each of Rs. 50,000/- to the satisfaction of the CJM, Mahasamund 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Tumgaon, Distt. Mahasamund on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fail to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. 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