

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2633 of 2017**

Pawan Murarka S/o Late Omprakash Murarka, Aged About 52 Years
Caste Agrawal, R/o Village & Thana Kunkuri, District Jashpur, CG.

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station Kunkuri, District Jashpur,
Chhattisgarh.

---- Respondent

For applicant	Mr. Sanjay Agrawal, Adv.
For Respondent/State	Mr. Neeraj Jain, GA.

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

1. Heard on I.A. No. 1/2017 for urgent hearing.
2. On due consideration, I.A. No. 1/2017 is disposed of.
3. Learned counsel for the applicant submits that the matter may be heard finally. Learned counsel for the State submits that the case diary is available and he is ready to argue the matter finally.
4. With consent of the parties, the matter is heard finally.
5. The applicant has preferred this application for grant of bail as he is arrested on 8-4-2017 in connection with Crime No. 49/2017 registered in PS Kunkuri, Distt. Jashpur for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
6. Learned counsel for the applicant submits that charge sheet is not filed, the applicant is remanded by the JMFC, Kunkuri, Distt. Jashpur. 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, 17 bulk liter hand made country liquor and 360 ml 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.

7. Learned State counsel opposes the bail application. He submits that earlier Crime No. 32/2012 under the provisions of Gambling Act, Complaint No. 87/2012 under Section 107, 116 of the Cr.P.C., and Crime No. 183/2016 under Section 34(1) of the CG Excise Act have been registered against the applicant which shows his criminal antecedent. Hence the instant bail application may be rejected.
8. Perused the matter.
9. On due consideration, looking to the fact that the applicant is in jail for last 1 month and 1 day, the offences registered against the applicant are under relevant provisions of Gambling Act and also section 34(1) of the CG Excise Act where the quantity is less than 5 litres and as submitted on behalf of the applicant that he will not commit any offence in future, further looking to the quantity of the liquor so seized, 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. 40,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Kunkuri, Distt. Jashpur CG for his appearance before the said Court regularly as and when directed by the said Court.
10. 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.

11. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak