

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2803 of 2017**

Sanjay Kurre S/o Shri Khakhan Lal Kurre Aged About 44 Years R/o Rasauta, Police Station Balauda , District Janjgir- Champa, CG- Present Address- Sipat, Police Station- Sipat, District Bilaspur, CG.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Sipat, Bilaspur, CG.

---- Respondent

For applicant	Mr. Malay Kumar Bhaduri, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17/05/2017**

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. 62/2017 registered in PS Sipat, Bilaspur for offence punishable under Section 34(1)(a) and Section 59-a of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that after investigation charge sheet has been case and the same is pending before the CJM, Bilaspur as Criminal Case No. 1352/2017. 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, co-accused Ramsanehi and the present applicant were carrying 9 bulk litre country liquor in a motorcycle bearing registration No. CG 11 AF 3824. Police seized the motorcycle from co-accused Ramsanehi and liquor is seized from the present applicant. Co-accused Ramsanehi has been granted bail by this Court vide order dated 16-5-2017 passed in MCRC No. 2795/2017. Therefore present applicant may also be granted bail.

4. Learned State counsel opposes the bail application on the ground of quantity of the liquor so seized.
5. Perused the matter.
6. On due consideration, as the applicant is the first offender, he is in jail since last 1 month and 19 days, charge sheet has been filed, trial may take some time, there is no criminal past reported by the police of the applicant and looking to the quantity of the liquor so seized from the applicant and as stated he will not commit any offence 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM, Bilaspur 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