

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2686 of 2017**

Mohan Kurre S/o Ramesh Kumar Kurre, Aged About 30 Years R/o
Pendari Talab, Police Station and Tehsil - Lormi, Civil District- Bilaspur
and Revenue District- Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: S H O Of Police Station - Lormi, Civil
District- Bilaspur and Revenue District- Mungeli, Chhattisgarh

---- Respondent

For applicant	Mr. Pallav Mishra, Adv.
For Respondent/State	Mr. Anant Bajpai, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11/5/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 27-3-2017 in connection with Crime No. 105/2017 registered in PS Lormi, Civil Distt. Bilaspur 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 Mungeli (CG). This is his first bail application before this Court. 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, 9 bulk litre country liquor has been seized from the conscious possession of the applicant without any licence or permission while he was carrying the same in motorcycle bearing registration No. CG 28 E 0528. Therefore, the applicant may be enlarged on bail.
4. Per contra learned State counsel opposes the bail application on the ground of quantity of liquor and submits that Complaint No. 447/2015 under Section 107, 116 sub-section (3) of the Cr.P.C. was initiated

against the applicant and another matter i.e. Crime No. 82/2017 under Section 34(1)(a) of the Excise Act has been registered which is a recent matter. Therefore bail application may be rejected.

5. Perused the matter.
6. On due consideration, as the applicant is in jail for about last 1 and half month, charge sheet is not filed, though one preventive proceeding and another matter of below 5 litre liquor has been registered against the applicant, but as submitted he will not repeat the offence, 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 Mungeli 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