

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2716 of 2017**

Siddhu Kenwat @ Rajkumar S/o Bisahu Ram Kenwat, Aged About 45 Years R/o Village Lagra, Police Station Sarkanda, Tahsil Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh through Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29-6-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 2-4-2017 in connection with Crime No. 246/2017 registered in PS Sarkanda, Distt. Bilaspur 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 same is pending before the CJM Bilaspur as criminal case No. 1753/2017. This is his first bail application before this Court. He is first offender. As per allegation, 12.600 bulk litre country liquor has been seized from the conscious possession of the applicant without any licence or permission. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time. He further submits that Crime No. 161/2013, Crime No. 259/2013 and Crime No. 470/2013 under Section 36(C) of the CG Excise Act were registered against him wherein the trial Court sentenced fine to the applicant and he had deposited the entire fine amount. Two matters Crime No. 210/2014

and 563/2015 were also registered under Section 34 sub-section (1) (a) of the CG Excise Act against him which are bailable offence and the applicant was granted bail. In one matter Crime No. 494/2016 under Section 34 sub-section (1)/Section 36(C) of the CG Excise Act is pending before the JMFC Bilaspur as Criminal Case No. 8931/2016. In the said matter both panch witnesses Ghanshyam and P.W. 2 Ravishankar have turned hostile and not supported the case of the prosecution. He submits that the applicant may be enlarged on bail. He will not commit any offence in future.

4. Per contra, learned State counsel opposes the arguments advanced by learned counsel for the applicant on the basis of criminal antecedent of the applicant and quantity of the liquor so seized in the matter.
5. Perused the matter.
6. As the applicant is in custody since 2 months and 27 days till date, charge sheet has been filed and trial may take some time, and as submitted in three matters registered earlier under Section 36(C) of the Excise Act, applicant has been sentenced to pay fine and other two matters are bailable and one is pending, and as submitted he will not commit any offence in future, I am inclined to grant last 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. 50,000/- with two solvent sureties each 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**

Pathak