

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2848 of 2017**

Sunil Mishra S/o Suresh Mishra, Aged About 22 Years R/o Ward No. 9
Sevtapara Dongargaon, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Dongargaon, District
Rajnandgaon Chhattisgarh

---- Respondent

For applicant	Mr. Sumit Shrivastava, Adv. under the authority of Mr. Shaleen Singh Baghel, Adv.
For Respondent/State	Mr. Syed Majid Ali, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****5-6-2017**

1. Mr. Sumit Shrivastava, Adv. undertakes to file his power to represent the applicant during the course of the day.
2. Heard on I.A. no. 1/2017 for urgent hearing and I.A. No. 2/2017 for hearing the matter during summer vacation.
3. On due consideration, I.A. No. 1/2017 and I.A. No. 2/2017 are allowed.
4. Heard finally.
5. The applicant has preferred this application for grant of bail as he is arrested on 10-4-2017 in connection with Crime No. 127/2017 registered in PS Dongargaon, Distt. Rajnandgaon for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
6. Learned counsel for the applicant submits that charge sheet is not filed, the applicant is remanded by the CJM Rajnandgaon. This is his first bail applicant before this Court. 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, 63.000 bulk litre country liquor has been

seized from the conscious possession of the applicant without any licence or permission on 1-4-2017, though on the said said, the applicant absconded from the spot and thereafter he was arrested in another matter Crime No. 136/2017 under Section 34 sub-section (2) of the CG Excise Act, 1915 on 10-4-2017. As per allegation on the said date he was found in illegal possession of 5.400 bulk litre country liquor. He is in jail for last 1 month and 26 days and he will not commit any offence in future. He may be granted an opportunity.

7. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant on the basis of the aforementioned criminal matters and with the fact that the applicant absconded from the spot on 1-4-2017 and immediately after 9 days he was caught by the police along with 5.400 bulk litres country liquor and also 1 preventive proceeding has been registered against him in the year 2015 and also in one another matter the applicant was facing trial under section 34 sub-section (1)(a) of the CG Excise Act. Hence instant MCRC may be rejected.

8. Perused the entire matter.

9. On due consideration, as the applicant is in jail since 1 month and 26 days, trial is yet to commence, though there are criminal antecedents as aforementioned, but as the trial may take some time, 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. 1,00,000/- with two solvent sureties each of Rs. 50,000/- to the satisfaction of the CJM, Rajnandgaon (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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Dongargaon 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.

11. C.c. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge