

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2839 of 2017**

- Chhabilal Sahu S/o Mahadev Sahu, Aged About 37 Years, R/o Chandrashekharapur Edu. Tahsil Dharamjaigarh, District Raigarh Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Chhal, District Raigarh Chhattisgarh

---- Non-applicant

For Applicant – Shri Ashish Gupta, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****17-05-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.39/17 on 08-04-2017 by P.S. Chhal, District Raigarh, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicant is remanded by the CJM Raigarh, C.G. As per the allegation, from the applicant 11.520 bulk liter foreign liquor/country liquor has been seized. The applicant is first offender. The applicant will not commit any offence in future. He may be granted bail till trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the quantity of liquor so seized and also as the applicant had involved in three matter as follows:-
 1. Crime No.23/2011 under Section 36(C) of the C.G. Excise Act, 1915 (in short 'the Act, 1915).
 2. Crime No.74/2013 under Section 34(1)(a) of the Act, 1915 — applicant acquitted.
 3. Complaint No.103/2013 under Section 107, 116 of the Cr.P.C.

Learned counsel for the non-applicant/State submitted that it goes to show the earlier conduct of the applicant. Therefore, the instant MCRC may be dismissed.

4. Perused the entire material.

5. On due consideration, as the applicant is in custody since one month and 10 days, charge sheet has not yet been filed, trial may take some time, and as in one matter the applicant acquitted by the criminal court, another matter is in relation with preventive proceedings and looking to third matter and the quantity of liquor so seized in the present matter and other facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any crime and shall remain peacefully in society. Consequently, the instant MCRC is hereby 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 Chief Judicial Magistrate Raigarh, C.G. for his appearance before the said trial Court as and when directed till trial.

6. 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; and (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.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE