

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3345 of 2017**

Lupesh Tandan S/o Mohan Tandan, Aged About 23 Years R/o Asoga,
Police Station Ranitarai, Tahsil, Patan, Tahsil And District- Durg, CG.

----Applicant**Versus**

State Of Chhattisgarh Through: The District- Magistrate , Wrongly
Mentioned (Collector) Durg, District- Durg, Chhattisgarh.

---- Respondent

For applicant	Mr. Praveen Dhurandhar, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****4-7-2017**

1. Before argument, learned counsel for the applicant placed the order passed by the coordinate bench of this Court dated 14-12-2016 in MCRC No. 7954/2016 wherein the applicant was granted bail in connection with Crime No. 133/2016. Said certified copy is made part of the record.
2. Heard finally.
3. The applicant has preferred this application for grant of bail as he is arrested on 8-4-2017 in connection with Crime No. 50/2017 registered in PS Ranitarai, Distt. Durg (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
4. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC Patan Distt. Durg as criminal case No. 161/2017. This is his first bail application before this Court. He is first offender. As per allegation, 18 bulk litre country liquor and sale proceeds of Rs. 10,000/- 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.
5. Per contra, learned State counsel opposes the bail application on the

basis of the quantity of the liquor so seized in the matter and also the applicant has criminal antecedent.

6. Perused the matter.
7. As the applicant is in custody since 2 months and 25 days, charge sheet has been filed, trial may take some time, though earlier applicant was arrested for similar offence in Crime No. 133/2016 and coordinate bench of this Court has granted bail to him but considering the entire facts including the period of detention, 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. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the JMFC, Patan CG for his appearance before the said Court regularly as and when directed by the said Court.
8. 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.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge