

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3242 of 2017**

Ramdayal S/o Manrakhan Aged About 50 Years Caste- Satnami, R/o
Village Dundera, Police Station Arjunda, District- Balod, CG.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station
Arjunda, District- Balod, Chhattisgarh.

---- Respondent

For applicant	Mr. B.P. Singh, Adv.
For Respondent/State	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11/7/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 19-4-2017 in connection with Crime No. 52/2017 registered in PS Arjunda, Distt. Balod 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 matter is pending before the CJM Balod as Criminal Case no. 366/2017. As per allegation, the applicant was found in possession of 5.040 bulk litre country liquor. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time. As per facts surfaced in the order sheet dated 7-6-2017, 11 matters in relation to preventive proceedings under Section 107, 116(3) including 5 matters under Section 110 of the Cr.P.C. have been initiated against him and following cases were also registered against him :-

Sr. No.	Crime No.	Sections
1.	139/2003	34(1)(a), CG Excise Act, 1915

2.	87/2003	36(C), CG Excise Act, 1915
3.	55/2007	36(C) CG Excise Act, 1915
4.	89/2007	4(a) of the Gambling Act, 1867
5	25/2017	294, 506, IPC

He submits that prior to present matter about 14 years ago, the applicant was allegedly involved in a matter under Section 34(1)(a) of the Excise Act. The applicant may be granted bail, he will not commit any offence in future as trial may take some time.

4. Per contra, learned State counsel opposes the bail application on the basis of criminal antecedent of the applicant. He submits that preventive proceedings have been initiated against the applicant prior to the instant incident.
5. Perused the matter.
6. On due consideration, as the applicant is in jail since 2 months 22 days, charge sheet has been filed, trial may take some time, though on perusal it appears that in 11 matters police has initiated preventive proceedings against him including another 5 matters as aforementioned which were bailable one, but looking to the quantity of liquor so seized in the present matter and other facts, 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 Rs. 25,000/- to the satisfaction of the CJM Balod 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Arjunda on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails 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.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. C.C. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge