

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3360 of 2017**

Dilip Saytode S/o Late Laxmi Prasad Saytode, Aged About 34 Years
R/o Village Bhansoj, Police Station Aarang, Tahsil- Aarang, Civil &
Revenue District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Arang, Civil &
Ravenue District Raipur Chhattisgarh

---- Respondent

For applicant	Mr. Punit Ruparel, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

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

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 17-4-2017 in connection with Crime No. 455/2016 registered in PS Arang, Distt. Raipur (CG) 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 JMFC, Raipur as criminal case number 9220/2017. As per allegation, the applicant was in illegal possession of 21.600 bulk litre foreign liquor and when he was caught by Gulabi Gang, the applicant fled away from the spot. Thereafter said liquor was seized. During investigation, the applicant was arrested on 18-4-2017. He further submits that regarding Crime No. 212/2012, Criminal Case No. 1039/2012 was registered and the Addl. Chief Judicial Magistrate, Raipur vide judgment dated 30-7-2014 acquitted him for the offence under Section 34(1)(a) of the Act of 1915 and also in Criminal Case No. 5785/2014 regarding Crime No. 100/2014, the Addl. Chief Judicial

Magistrate, Raipur vide judgment dated 4-3-2016 acquitted the applicant of the charges under Section 34(1)(a) of the Act of 1915. Though earlier two other matters as Crime No. 171/2016 and 51/2016 have been registered against him under Section 34 sub-section (1)(a) of the Act of 1915 but same is bailable and the applicant was granted bail in those matters. The applicant will not commit any offence in future. He may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of learned counsel for the applicant on the basis of the quantity of liquor so seized in the matter. He submits that the applicant ran away from the spot. He also submits that he has criminal antecedent as aforementioned 4 matters have been registered against him.
5. Perused the matter.
6. The applicant is in custody since 2 months and 16 days till date, charge sheet has been filed, trial may take some time, earlier in two matters the applicant has been acquitted after trial and two another matters are pending and the applicant is on bail, though the applicant ran away from the spot leaving 21.600 bulk litre foreign liquor, but on consideration of entire facts, 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, Raipur 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