

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3275 of 2017**

Iliyas Memon S/o Mohd. Ismail, Aged About 32 Years Caste Muslim,
R/o Village Charpara, Police Station Baloda, District Janjgir Champa,
CG.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Baloda District Janjgir Champa, Chhattisgarh.

---- Respondent

For applicant	Mr. Anil Gulati, Adv.
For Respondent/State	Mr. Suryakant Mishra, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****8-6-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 1-4-2017 in connection with Crime No. 62/2017 registered in PS Baloda Distt. Janjgir Champa (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 police has filed charge sheet which is pending before the CJM Janjgir Champa as Criminal Case No. 341/2017. As per allegation, from the applicant, 25.920 bulk litre foreign liquor has been seized. It is submitted that earlier following matters have been registered against the present applicant in which he was sentenced as below:-

Sr. No.	Crime No.	Criminal Case No.	Offence under Section of CG Excise Act, 1915	Sentence
1.	147/2014	246/2014	36(C)	Rs. 500/-
2.	66/2016	94/2016	36(C)	Rs. 500/-
3.	340/2014	777/2014	36(C)	Rs. 500/-
4.	73/2011	427/2011	36(C)	Rs. 500/-

It is submitted that Crime No. 32/2015 has also been registered against the applicant under Section 36(C) of the CG Excise Act which is registered as Criminal Case No.121/2016 in which he was granted bail and the matter is pending on account of applicant's arrest on 1-4-2017 in the present case. This is his first bail application 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.

4. Per contra, learned State counsel opposes the bail application on the basis of quantity of liquor so seized and also as 5 matters under Section 36(C) of the Act of 2015 have been registered against him and the applicant was sentenced to pay Rs. 500/- in every case and one matter is pending which goes to show the criminal antecedent of the applicant. Therefore, the instant bail application may be dismissed.
5. Perused the matter.
6. On due consideration, as the applicant is in jail since 2 months and 8 days, charge sheet has been filed, trial may take some time, though quantity of liquor seized is on higher side and 5 other matter have been registered against applicant under Section 36(C) of the Act of 1915 and in 4 matters he has been sentenced and one is pending, but as submitted he will not commit any crime in future, 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 of Rs. 50,000/- each to the satisfaction of the CJM Janjgir Champa (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 Baloda distt. Janjgir Champa 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. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge