

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3339/2017**

Surya Prakash Sahu aged about 29 years son of Shri Ganesh Ram
Sahu, R/o Aarang PS Aarang, Distt. Raipur (CG)

-v-

State of Chhattisgarh through the Distt. Magistrate, Raipur (CG)

For applicant	Mr. Pushpendra Kumar Patel, Adv.
For Respondent/State	Mr. Neeraj Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25-7-2017**

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. 43/2017 registered in PS Kharora, 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 against the applicant showing co-accused Laki Rajput absconding under Section 299 of the Cr.P.C. and the same is pending before the JMFC Raipur as criminal case number 4459/2017. Learned counsel submits that date of incident is 22-2-2017. The applicant is the registered owner of the Indica car CG 17 C 2471. Police on the date of incident seized 43.200 bulk litre country liquor and the said car from two juvenile Arjun Sahu and Tulsi Yadav and filed supplementary charge sheet against both the juvenile before the Juvenile Justice Board. The applicant was not present at the

spot and as per allegation he gave the vehicle on rent to co-accused Laki Rajput. The applicant was not aware regarding illegal transportation of liquor. He is in custody since 3 months and 8 days till date. He is first offender. 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 the liquor so seized in the matter and submits that in a vehicle owned by the applicant, 43.200 bulk litre country liquor has been illegally transported and looking to the facts, instant MCRC may be dismissed. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.
5. Perused the matter.
6. As the applicant is the first offender, he is in jail since 3 months and 8 days till date, charge sheet has been filed, trial may take some time, the liquor in question was not actually seized from the applicant, and as submitted he will not commit any crime in future, 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. 1,00,000/- with two solvent sureties each of Rs. 50,000/- 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