

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3457 of 2017**

Manoj Rajput S/o Shri Susheel Rajput, Aged About 30 Years R/o Morid Jauwapara, Police Station Utai, District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Collector District Durg, CG.

---- Respondent

For applicant	Mr. Malay Kumar Bhaduri, Adv.
For Respondent/State	Mr. Neeraj Jain, Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 29-3-2017 in connection with Crime No. 90/2017 registered in PS Utai, Distt. Durg (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, Durg as Criminal Case No. 2895/2017. This is his first bail application before this Court. He is first offender. As per allegation, 6.600 bulk litre country liquor 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.
4. Per contra, learned State counsel opposes the bail application and submits that earlier Crime No. 332/2015 under Sec. 34 sub-section (1) (a) of the CG Excise Act, Crime No. 141/2011 under Section 294, 506, 323, 34, IPC and Crime No. 165/2015 under Section 294, 506, 323, 427, IPC have been registered against the applicant which shows his

criminal past. Hence the application may be dismissed.

5. Perused the matter.
6. On due consideration, as the applicant is in jail since 3 months and 11 days, charge sheet is filed, though earlier applicant was involved in aforementioned 3 cases but on consideration of the offence registered against him and other facts 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. 50,000/- with two solvent sureties of Rs. 25,000/- each to the satisfaction of the JMFC Durg 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

