

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3549 of 2017**

Sonu Yadav S/o Purno Yadav, Aged About 25 Years R/o Village
Darridih, Police Station Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Respondent

For applicant	Mr. Amit Singh, Adv.
For Respondent/State	Mr. arvind Shukla, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20/6/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 22-4-2017 in connection with Crime No. 116/2017 registered in PS Dharamjaigarh, Distt. Raigarh (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 matter is pending before the CJM, Raigarh as Criminal Case no. 102/2017. He is the first offender. This is his first bail application before this Court. He may be granted bail as the trial may take time. As per allegation, 71.280 bulk litre liquor has been seized from the conscious possession of the applicant. He will not commit any offence in future if granted bail therefore he may be granted bail.
4. Per contra, learned State counsel opposes the bail application on the basis of huge quantity of the liquor so seized. However he

fairly conceded that police has not reported any criminal antecedent of the applicant in the police case diary.

5. Perused the matter.
6. On due consideration, as the applicant is in jail for last one month and 28 days, charge sheet has been filed, trial is likely to take some time, though the quantity of seized liquor is on higher side but as submitted the applicant will not commit any offence 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 each of Rs. 50,000/- to the satisfaction of the CJM Raigarh (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 Dharamjaigarh on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fail 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. C.C. as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**

Pathak