

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3779 of 2017**

Jairam Yadav S/o Shri Budhari Yadav, Aged About 36 Years R/o Ram Kapri Khurd Chawki Chilphi, P.S. Lormi, Tahsil Lormi, District Mungeli, CG

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Lormi Mungeli, Distt. Mungeli, Chhattisgarh

---- Respondent

For applicant	Mr. Dharendra Pandey, Adv.
For Respondent/State	Mr. Vasim Miyan, Panel Lawyer.

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

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 4-5-2017 in connection with Crime No. 161/2017 registered in PS Lormi, Distt. Mungeli (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 probably charge sheet has been filed but he is not in a position to state the criminal case number and also not aware whether the applicant has been granted bail by the remand court i.e. CJM, Mungeli under Section 167 sub-section (2) proviso a-ii of the Code of Criminal Procedure, 1973 or not but learned counsel is arguing the present matter as if the bail is not granted by the trial Court. The applicant will not repeat the offence in future. As per allegation, earlier Crime No. 15/2005 under Section 34 sub-section (1)(a) of the CG Excise Act and Crime No. 43/2009 under Section 34 sub-section (2) of the CG Excise Act has been registered for alleged illicit possession of 18 bulk litre by the applicant but that matter is about 8 years old and in the

said matter the applicant was granted bail by the concerned court. Learned counsel is not in a position to state the fact whether the said matter is still pending or disposed of. The applicant may be granted bail as trial may take some time. In the present matter, as alleged 8 bulk litre hand made country liquor has been seized from the applicant.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of earlier criminal antecedent and the quantity of the liquor so seized from the applicant.
5. Perused the entire matter.
6. As the applicant is in custody since 2 months and 3 days till date, though aforementioned two matters have been registered against the applicant out of which one matter is bailable one and the second one is in relation to illicit possession of 18 bulk litre of liquor but the said matter is about 8 years old and as submitted the applicant will not commit any offence in future and the trial may take some time, on consideration of entire fact, 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. It is directed that if the applicant is not already released on bail under the provisions of Section 167 sub-section (2) of the Cr.P.C. by the trial court, the applicant 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 CJM Mungeli 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. It is made clear that if the applicant is already released on bail then the trial Court is directed not to act any further in the present order.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge