

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3740 of 2017**

Dakesh Baghel S/o Shri Jethuram Baghel, Aged About 30 Years R/o
Village Bodra, Police Station Arang, Tahsil Arang, District Raipur, CG.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station
Arang, District Raipur, CG.

---- Respondent

For applicant	Mr. P.P. Sahu, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22-6-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 9-5-2017 in connection with Crime No. 129/2017 registered in PS Arang, 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 and the same is pending before the JMFC Raipur as criminal case number 3696/2017. This is his first bail application before this Court. As per allegation, applicant was along with co-accused Dakeshwar Chelak in a motorcycle bearing registration No. CG 04 LN 7743. Police during investigation seized the said motorcycle and 12.600 bulk litre foreign liquor from the co-accused. The investigating agency held that the present applicant was also in a composite possession along with co-accused Dakeshwar Chelak though there is no formal seizure from the applicant. He further submits that earlier police had registered following cases against the applicant :-

Sr. No.	Crime No.	Offence
1.	138/2009	S. 34 sub-section (1)(a), CG Excise Act, 1915
2.	262/2009	S. 34 sub-section (1)(a), CG Excise Act, 1915
3.	339/2009	S. 36(C), CG Excise Act, 1915
4.	79/2010	S. 36(C), CG Excise Act, 1915
5.	38/2011	S. 34 sub-section (1)(a), CG Excise Act, 1915

Out of above matters, in Item No. 3 and 4, applicant has been sentenced to pay fine of Rs. 1,000/- and Rs. 500/- respectively. Other matters are bailable in nature. The applicant 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 registration of abovementioned cases against the applicant.
5. Perused the matter.
6. On due consideration, as the applicant is in jail since 1 month and 13 days, charge sheet has been filed, trial may take some time, though aforementioned 5 cases have been registered against the applicant and as per result sheet annexed with the case diary, for item No. 3 and 4 the applicant has been sentenced to pay fine only and other matters are bailable in nature, on due consideration of entire facts, 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. 50,000/- with two solvent sureties each of Rs. 25,000/- 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

Pathak