

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3780 of 2017**

Shiv Bharati S/o Late Gopal Bharati Aged About 31 Years R/o Village
And Post Kanakot, Chowki Machandur, Police Station Utai, Tahsil
Patan, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Utai, District Durg, Chhattisgarh.

---- Respondent

For applicant	Mr. Jitendra Gupta, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****3-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 31-3-2017 in connection with Crime No. 96/2017 registered in Outpost Machandur, 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 which is pending as Criminal Case No. 3287/2017. This is his first bail application before this Court. Earlier police had filed preventive proceedings under Section 107 and 116 sub-section (3) of the Cr.P.C. in the year 2016 against the applicant. Police also registered Crime No. 114/2016 under Section 34(2) of the Act of 1915 wherein the applicant has been granted bail on 11-8-2016 in MCRCA No. 713/2016 by the coordinate Bench where it was alleged that the applicant was in

illegal possession of 17.820 bulk litre illicit liquor. He is in custody since long. He may be granted bail as trial may take sometime.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced by learned counsel for the applicant on the basis of earlier criminal antecedent and quantity of liquor so seized in the present matter which is 7.200 bulk litre.
5. Perused the matter.
6. As the applicant is in jail since 3 months and 4 days till date, charge sheet has been filed, trial may take some time and as aforementioned 17.820 bulk litre illicit liquor has been seized earlier for which Crime No. 114/2016 has been registered against the applicant and he was granted anticipatory bail by the coordinate bench, though the applicant has criminal antecedent but on 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, Patan Distt. 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