

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3807 of 2017**

Pawan Sinha S/o Bharat Sinha, Aged About 24 Years R/o Ward No.01,
Devkar, Police Chowki Devkar, Police Station & Tahsil Saja, District
Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Saja, District Bemetara, CG

---- Respondent

For applicant	Mr. P.P. Sahu, Adv.
For Respondent/State	Mr. UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****4-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 3-4-2017 in connection with Crime No. 150/2017 registered in PS Saja, Distt. Bemetara (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 against the present applicant and co-accused Krishna Sahu which is pending before the CJM, Bemetara as Cr. Case No. 585/2017. As per allegation, the applicant and co-accused Krishna Sahu were present at the house of Krishna Sahu. When police reached to the spot the present applicant ran away from the spot. Police during investigation seized 63 bulk litre country liquor from co-accused. Applicant was arrested later. Nothing has been seized from the applicant. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time. He submits that earlier Crime No. 391/2015 was registered under Section 379, 411 of the IPC. In the said matter, the applicant was accused for

the offence under Section 411 of the IPC. The matter is pending. The applicant has been enlarged on bail. In two other matters complaint No. 95/2016 and 71/2017 preventive proceedings have been initiated against him under Section 116 sub-section (3) of the Cr.P.C. Crime No. 66/2016 was in relation to bailable offence under Section 34 sub-section (1)(a) of the Excise Act. Co-accused Krishna Sahu was granted bail who was caught along with 63 bulk litre liquor by the coordinate bench of this Court in MCRC No. 3155/2017 dated 22-5-2017. Case of the present applicant is better than co-accused Krishna Sahu hence the applicant may also be granted bail.

4. Per contra, learned State counsel opposes the bail application on the basis of act of the applicant as he escaped from the spot and liquor was seized only from Krishna Sahu. He also opposes the application on the basis of criminal antecedent of the applicant.
5. Perused the matter.
6. As co-accused Krishna Sahu has been granted bail by the coordinate bench of this Court, case of the applicant is better than co-accused Krishna Sahu, the applicant is in custody since 3 months and 2 days till date, trial may take some time and looking to the attending circumstances, 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 CJM, Bemetara 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