

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3811 of 2017**

Khagesh Bhoi S/o Late Umesh Bhoi, Aged About 35 Years Caste Kahar, Occupation Labour, R/o Ward No.15 Mahamaya Para Mahasamund, Thana, Tahsil And District Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund, Chhattisgarh

---- Respondent

For applicant	Mr. Vikas Pradhan, Adv.
For Respondent/State	Mr. Neeraj Jain, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****5-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 3-5-2017 in connection with Crime No. 217/2017 registered in PS Mahasamund, Distt. Mahasamund 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 CJM Mahasamund as Cri. Case No. 1131/2017. This is his first bail application before this Court. As per allegation, 20.700 bulk litre country liquor has been seized from the conscious possession of the applicant without any licence or permission. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time. Earlier also against the present applicant 4 matters were registered under Section 36(C) and Section 34 sub-section (1)(a) of the Excise Act but they were bailable one.
4. Per contra, learned State counsel opposes the bail application on the

basis of antecedent of the applicant and quantity of the liquor so seized in the matter.

5. Perused the matter.
6. On due consideration, as the applicant is in jail since 2 months and 11 days, charge sheet has been filed, trial may take some time, though quantity of liquor so seized is on higher side and earlier aforementioned 4 cases have been registered against him but as they are bailable one and on consideration of entire facts, I am inclined to grant one 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 Mahasamund 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