

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3787 of 2017**

Ghanshyam Satnami (Banjare) S/o Mehtaru Satnami, Aged About 30
Years R/o Village Mohtara, Thana Saja, District Bemetara, CG

---- Applicant

Versus

State of Chhattisgarh through Thana Saja, District Bemetara, CG

---- Respondent

For applicant	Mr. Sameer Singh, Adv.
For Respondent/State	Mr. Anant Bajpai, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19-7-2017**

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. 130/2017 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 3 accused persons namely Jasmat Bai, Gaucharan and the present applicant which is pending as Cri. Case No. 623/2017 before the CJM Bemetara. The applicant is in custody since long. Charge sheet has been filed, trial may take some time. As per allegation, 9 bulk litre country liquor has been seized from the conscious possession of the applicant without any licence or permission. During investigation, police also seized 9, 9 bulk litre liquor from Dasmal Bai and Gaucharan respectively. Both the co-accused have been granted bail in MCRC No. 2078/2017 dated 11-4-2017. As per allegation, present applicant ran away from the spot and ultimately arrested. He 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 the quantity of liquor so seized in the matter from the applicant. He submits that following matters have been registered against the applicant prior to the incident :-

Sr. No.	Crime/ complaint No.	Under Section
1.	111/2006	107, 116(3), Cr.P.C.
2.	38/2011	36(A) of the CG Excise Act, 1915
3.	262/2013	107, 116(3), Cr.P.C.
4.	198/2015	34(1)(a), of the CG Excise Act, 1915
5.	254/2015	107, 116(3) of the Cr.P.C.
6.	279/2016	34(1)(a) of the CG Excise Act, 1915
7.	1/2017	36(C) of the CG Excise Act, 1915
8.	5/2017	294, 323 and 506, IPC

Hence in view of above, instant bail application may be dismissed.

5. Perused the matter.

6. On due consideration, as the applicant is in jail since 2 months and 10 days, charge sheet has been filed, trial may take some time, quantity of liquor so seized from the applicant is 9 bulk litre, co-accused are granted bail by this Court, though 8 matters have been registered against the applicant prior to the incident, out of them 3 matters are in relation to preventive proceedings, two matters are in relation to Section 36(C) of the Act of 1915, two matters are in relation to Section 34(1)(a) of the Act of 1915 and one matter is under penal section of IPC, looking to the nature of the offence registered against the applicant and other 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 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Saja, Distt. Bemetara on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fail to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. C.C. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge