

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3992 of 2017**

Teku Ram Banjare S/o Shri Pardeshi Banjare Aged About 30 Years
Caste Satnami, R/o Guru Ghasidas Muhalla, Ward No. 13, Akaltara,
Police Station- Akaltara, Civil & Revenue Distt.- Janjgir- Champa, CG.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station- Akaltara, Civil & Revenue District- Janjgir- Champa, CG.

---- Respondent

For applicant	Mr. Paras Mani Shrivastava, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 10-5-2017 in connection with Crime No. 89/2017 registered in PS Akaltara, Distt. Janjgir Champa (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 CJM Janjgir as Cri. Case No. 533/2017. This is his first bail application before this Court. As per allegation, 6.300 bulk litre country and foreign 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.
4. Per contra, learned State counsel opposes the bail application and submits that earlier following cases have been registered against the applicant:-

Sr. No.	Crime/complaint No.	Offence under Section
1.	66/2002	107, 116(3), Cr.P.C.
2.	42/2017	36(C) of the CG Excise Act
3.	66/2017	34(2), CG Excise Act – quantity 6 bulk litre liquor on 8-4-2017
4.	107/2016	107, 116(3), Cr.P.C.

Hence instant MCRC may be dismissed. It is further submitted that on 8-4-2017 the applicant was arrested in Crime No. 66/2017 and within a very short time i.e. on 10-5-2017 the applicant again found in possession of 6.300 bulk litre country and foreign liquor. Hence looking to the entire facts, instant MCRC may be dismissed.

5. Perused the entire material.
6. As the applicant is in custody since 2 months and 10 days till date, charge sheet has been filed, though earlier as aforementioned 4 cases have been registered against the applicant, out of them 2 were in relation to preventive proceedings, one matter was for bailable offence and as regards Crime No. 66/2017, it appears that within 1 month and 2 days the applicant committed similar offence, however 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 of Rs. 25,000/- each to the satisfaction of the CJM Janjgir 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 Akaltara, Distt. Janjgir-Champa 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. CC as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**