

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3914 of 2017**

Ramesh Kumar Patel S/o Shri Rampyare Patel, Aged About 35 Years
R/o Village Bhatchaura, Police Station- Pachpedi, Civil & Revenue
District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer, Police
Station -Pachpedi, Civil & Revenue District - Bilaspur, Chhattisgarh

---- Respondent

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

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24/7/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 24-5-2017 in connection with Crime No. 6/2017 registered in PS Pachpedi, Distt. Bilaspur (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 matter is pending before the JMFC Bilaspur as Cri. Case No. 1713/2017. As per allegation, the applicant was found in conscious possession of 45 bulk litre country liquor. He will not commit any offence in future if granted bail. Few cases are registered against him but they are in relation to preventive proceedings, and also under Section 36(A), 36(C) and Section 34 sub-section (1)(a) of the CG Excise Act and they are bailable offence. The applicant is not awarded substantive jail sentence in any of the cases. He may be granted bail as the trial may take time.
4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant on the basis of quantity of the liquor so

seized from the applicant in the matter and also submits that following cases are registered against him-

Sr. No.	Date/crime No./complaint No.	Under Section
1.	21-10-2008	107, 116(3), Cr.P.C.
2.	367/2000	36(C), CG Excise Act
3.	29/2009	107. 116(3), CR.P.C.
3.	25-3-2009	107, 116(3), Cr.P.C.
5.	23-3-2009	36(A), CG Excise Act
6.	19-1-2013	34(1)(a), CG Excise Act
7.	28-8-2013	36(C), CG Excise Act
8.	18-12-2014	36(C), CG Excise Act
9.	17-5-2014	36(C), CG Excise Act
10.	28-6-2014	36(A), CG Excise Act.

Learned State counsel submits that in view of above facts, instant MCRC may be rejected.

- 5. Perused the matter.
- 6. On due consideration, as the applicant is in jail since about 2 months till date, charge sheet has been filed, trial may take some time, though the quantity of the liquor so seized from the applicant in the matter is on higher side and 7 matters aforementioned have been registered against them under the CG Excise Act, 1915 and they are bailable offence and three more are in relation to preventive proceedings only, 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. 1,00,000/- with two solvent sureties each of Rs. 50,000/- to the satisfaction of the JMFC, Bilaspur 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 Pachpedi, Distt. Bilaspur (CG) 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

