

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3944 of 2017**

Santosh Tiwari S/o Puran Tiwari Aged About 35 Years Occupation
Business, R/o Ranveerpur, Charbhatha, Police Station Sahas Lohara,
District Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: The Station House Officer, Police
Station Sahas Lohara, District Kabirdham, Chhattisgarh

---- Respondent

For applicant	Mr. A.K. Yadav, Adv.
For Respondent/State	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

14-7-2017

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 30-3-2017 in connection with Crime No. 74/2017 registered in PS Sahas Lohara, Distt. Kabirdham (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 Kabirdham as Cri. Case No. 426/2017. This is his first bail application before this Court. As per allegation, 13.500 bulk litre country liquor has been seized from the conscious possession of the applicant without any licence or permission. It is submitted that earlier Crime No. 8/2013 under Section 34 sub-section (2) of the CG Excise Act was registered against the applicant for illegally possessing 5.400 bulk litre liquor. In the said matter the applicant was granted bail and ultimately acquitted. However he is not having copy of the order. 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 quantity of liquor so seized in the matter and earlier criminal antecedent.

5. Perused the matter.
6. On due consideration, as the applicant is in jail since 3 months and 15 days, charge sheet has been filed, trial may take some time, the the applicant has been involved in one case of CG Excise Act but as submitted he will not commit any crime in future, 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 Kabirdham 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

