

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4517 of 2017**

Shiva Rangari S/o Kumar Rangari, Aged About 20 Years R/o Ward No. 6, Atal Aavas Nayapara, Mahasamund, Police Station, Tahsil & 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. Vasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 2-3-2017 in connection with Crime No. 122/2017 registered in PS Mahasamund, Distt. Mahasamund (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 Mahasamund (CG) as criminal case No. S-840/2017. This is his first bail application before this Court. He is first offender. As per allegation, 9 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.
4. Per contra, learned State counsel opposes the bail application on the basis of quantity of liquor so seized from the applicant and also as earlier Criminal Case No. 262/2016 under Section 34 sub-section (1)

(a) of the Act of 1915 has been registered against the applicant. Hence it is submitted that instant MCRC may be dismissed.

5. Perused the matter.
6. As the applicant is in jail since 5 months and 8 days till date, charge sheet has been filed, trial may take some time, though earlier a matter was also registered against the applicant but the same is bailable one, 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. 30,000/- with one solvent surety of the like sum 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 today.

Sd/-
(Chandra Bhushan Bajpai)
Judge

