

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4072 of 2017**

Sukrit Das Navrang S/o Lt. Shri Kangalu Navrang, Aged About 65 Years R/o Village Medpar, Police Station Hirri, District Bilaspur, CG.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Hirri, District Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Mr. Amit Chaki, Adv.
For Respondent/State	Mr. Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 21-5-2017 in connection with Crime No. 105/2017 registered in PS Hirri, Distt. Bilaspur 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 JMFC Belha, Distt. Bilaspur as Cr. Case No. 380/2017. This is his first bail application before this Court. As per allegation, 6½ litre country made 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 is aged 65 years. He may be granted bail as the

trial may take time.

4. Per contra, learned State counsel opposes the bail application. He submits that earlier following preventive proceedings have been initiated against him:-

Sr. No.	Complaint No.	Under Section
1.	74/1990	107, 116 (3), Cr.P.C.
2.	56/1992	107, 116(3), Cr.P.C.
3.	26/1987	107, 116 (3), Cr.P.C.`
4.	32/1994	151, 107, Cr.P.C.

Hence instant MCRC may be dismissed in view of above preventive proceedings against the applicant.

5. Perused the matter.
6. As the applicant is in jail since 1 month and 26 days, charge sheet has been filed, trial may take some time, though 4 matters have been registered under the preventive proceedings of Cr.P.C. but as they are for limited period and the applicant has not been involved in any of the similar offence prior to the incident, he is aged about 65 years, and 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC Belha 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. On perusal of the order passed by the 7th Addl. Sessions Judge, Bilaspur in Bail Application No. 687/2017, it appears that the concerned Judge has wrongly mentioned the crime number as 107/2017 instead of the correct Crime No. 105/2017.
9. Registrar (Judicial) is directed to send a copy of the order to the Sessions Judge to be sent to the concerned judge with a direction for him to be cautious in future while mentioning the crime number and other particulars and not to repeat this clerical mistake again.
10. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge