

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4073 of 2017**

Guharam Nishad S/o Lt. Shri Kunwar Singh Nishad Aged About 24
Years R/o Village Saket, 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. Anant Bajpai, 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. 104/2017 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. 379/2017. This is his first bail application before this Court. As per allegation, 6 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 Crimes / preventive proceedings have been initiated against him:-

Sr. No.	Crime No. /Complaint No.	Under Section
1.	204/2013	34(1)(a) and 36, Excise Act
2.	43/2017	34(1)(a) and 36, Excise Act
3.	3/2016	107, 116 (3), Cr.P.C.

Hence instant MCRC may be dismissed in view of above matters 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 3 matters have been registered against him but as Item No. 1 and 2 are bailable and No. 3 is for limited period, 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. CC as per rules.

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

Pathak