

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4196 of 2017**

Ghurwa Ram Sarthi S/o Mahettar Lal Sarthi, Aged About 28 Years R/o
Village Madwa, Police Station Chandrapur, Distt. Janjgir-Champa, CG

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Chandrapur, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For applicant	Mr. Ishwar Jaiswal, Adv.
For Respondent/State	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 20-4-2017 in connection with Crime No. 48/2017 registered in PS Chandrapur, Distt. Janjgir champa (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 Janjgir as criminal case No. 454/2017. This is his first bail application before this Court. As per allegation, 6 bulk litre handmade 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. He submits that earlier following matters have been registered against the applicant :-

Sr. No.	Crime No.	Offence under Section
1.	105/2015	34(1)(a) CG Excise Act
2.	9/2015	36(C), CG Excise Act.
3.	86/2015	34(1)(a) CG Excise Act

Hence this bail application may be dismissed.

5. Perused the matter.
6. As the applicant is in jail since 3 months and 6 days, charge sheet has been filed, trial may take some time, though earlier 3 matters have been registered against the applicant but they are bailable offence, 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 CJM Janjgir 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

