

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4268 of 2017

Brijlal Sahu S/o Bechulal Sahu, Aged About 35 Years R/o
Bendarchunwa (Murmur) Police Station Pendra District Bilaspur CG

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Pendra District Bilaspur Chhattisgarh

---- Respondent

For applicant	Mr. Yogendra Chaturvedi, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

1-8-2017

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 30-5-2017 in connection with Crime No. 135/2017 registered in PS Pendra, 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 Pendra Road, Distt. Bilaspur as criminal case No. 3042/2017. This is his first bail application before this Court. As per allegation, 8.100 bulk litre Foreign 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 as the applicant has been previously involved in the following cases :-

Sr. No.	Case No.	Offence under Section
1.	Crime No. 141/2014	36(C), CG Excise Act, 1915
2.	Complaint No. 41/2004	107, 116(3), IPC

3.	Complaint No. 22/2017	107, 116(3), IPC
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Therefore, instant MCRC may be dismissed.

5. Perused the matter.
6. On due consideration, as the applicant is in jail since 2 months and 3 days till date, charge sheet is filed, trial may take some time, though aforementioned 3 matters are registered against him but out of them 2 are in relation to prevention proceedings and the remaining one is a bailable offence, on due 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 JMFC Pendra Road, Distt. Bilaspur 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