

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4332 of 2017**

Akka Gond S/o Shri Ram Ratan Gond, Aged About 46 Years R/o Village Tundra, Bhaisamuda, Police Station Gidhori, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

State Of Chhattisgarh Through The Station House Officer, Police Station Gidhori, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For applicant	Mr. Basant Kaiwartya, Advocate.
For Respondent/State	Mr. Arvind Shukla, Panel Lawyer.

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

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 15-6-2017 in connection with Crime No. 112/2017 registered in PS Gidhori, Distt. Balodabazar-Bhatapara (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that charge sheet is not yet filed and the applicant is remanded by the CJM Baloda Bazar. This is his first bail application before this Court. He is first offender. As per allegation, 10 bulk litre hand made 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 arguments

advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant and also as earlier six preventive proceedings have been initiated against the applicant, also one offence under Section 34 sub-section (1)(a) of the CG Excise Act, 1915 has been registered. Hence instant MCRC may be dismissed.

5. Perused the entire matter.
6. As the applicant is in jail since 1 month and 22 days, charge sheet is not filed, trial may take some time, though earlier in six matters preventive proceedings have been initiated against the applicant and one matter of bailable offence has been registered against him and the quantity of liquor so seized is on higher side, but considering the entire facts of the matter, 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. 50,000/- with two solvent sureties of Rs. 25,000/- each to the satisfaction of the CJM Baloda Bajar, Distt. Baloda Bajar-Bhatpara 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Gidhori, Distt. Baloda Bajar- Bhatapara on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. C.C. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge