

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4642 of 2017**

- Virendra Miri, S/o Shri Govardhan, Aged About 30 Years, R/o Vicharpur Chowki Fastarpur, Police Station Mungeli, District Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O. Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Smt. Dheerendra Pandey, Advocate.
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.09.2017**

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 11/06/2017, in connection with Crime No. 309/2017 & 146/15 registered in Police Station Mungeli, Distt. Mungeli (C.G.) for offence punishable under Section 34(2) & 34(1) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is pending before the Chief Judicial Magistrate, Mungeli (C.G.) as Criminal Case No.981/17. Learned counsel for the applicant would further submit that as per the allegation, from the applicant 8 bulk litre of handmade country liquor has been seized. The applicant will not commit any

offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant and also submit that Crime No.146/15 under Section 34(1) (a) of the Chhattisgarh Excise Act, 1915 has been registered against the applicant.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody for 2 month 23 days till date, charge-sheet has been filed, trial may take some time, though there is one criminal antecedent of the applicant but as the said matter is in relation with bailable offence, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. 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 like some amount to the satisfaction of Chief Judicial Magistrate, Mungeli (C.G.) for his appearance before the said Court regularly as and when directed by the said Court for their appearance before the said Court regularly as and when directed by the said Court.

9. 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 applicants

suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants 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 applicants 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.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge