

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4556 of 2017**

- Sitaram Nishad S/o Ratiram Nishad, Aged About 30 Years, R/o Accholi, Police Station Berla, District Bemerata Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Berla, District Bemetara Chhattisgarh.

**---- Non-applicant**

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For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**11-08-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.105/17 on 06-4-2017 by P.S. Berla, District Bemetara C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Learned counsel for the applicant would further submit that the police had filed the charge sheet which is pending before the CJM Bemetara, C.G. as Criminal Case No.612/17. The applicant is first offender. He will not commit any offence in future and as per the allegation, from the applicant 8.640 bulk liter foreign liquor has been seized. He may be granted bail as the trial may take some time.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that earlier one matter in connection with Section 36A of the Act, 1915 and another matter under the preventive proceedings, i.e., Section 110 of the Cr.P.C. has been initiated against the applicant. Hence, looking to the entire earlier criminal antecedent, the instant MCRC may be dismissed.
4. Perused the entire material.
5. As the applicant is in custody since 4 months and 5 days till date,

charge sheet has been filed, trial may take some time, and earlier the matter registered against the applicant was in connection with bailable offence and preventive proceedings only, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby 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 Chief Judicial Magistrate Bemetara, C.G. for his appearance before the said Court as and when directed till trial.

6. 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; and (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.

7. Certified copy as per rules.

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