

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4779 of 2017**

Paramjeet Singh Alias Paramveer Singh S/o Late Gurmeet Singh,
Aged About 19 Years R/o Village Janakpur, O.P. Chichola, Police
Station Churria, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate Rajnandgaon,
Chhattisgarh.

---- Respondent

For applicant	Mr. Saleen Singh Baghel, Adv.
For Respondent/State	Mr. Vasim Miyan, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 7-6-2017 in connection with Crime No. 289/2016 registered in Out Post Chichola, PS Chhuriya Distt. Rajnandgaon (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 against the present applicant and the co-accused Kishore Kanwal and the same is pending before the CJM Rajnandgaon as Cr. Case No. 386/2017. This is his first bail application before this Court. He is first offender aged about 19 years. As per allegation, 7.380 bulk litre country liquor has been seized from the conscious possession of co-accused Kishore Kanwar on 11-12-2016. The present applicant was absconded and arrested on 7-6-2017. Co-accused Kishore Kanwar has been granted bail by the High Court in MCRC No. 8496/2016 vide order dated 9-1-2017. Earlier Crime No. 391/2016 under Section 34 sub-section (2) of the CG

Excise Act, 1915 has been registered against the applicant but he is granted bail in the said matter. Said matter has been registered as Criminal Case No. 3949/2016 and presently pending before the CJM Rajnandgaon. 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 on the basis of the facts surfaced and criminal antecedent of the applicant.
5. Perused the matter.
6. As the applicant is the first offender, he is in jail since 2 months and 16 days, charge sheet has been filed, trial may take some time, though earlier he was involved in an offence under Section 34 sub-section (2) of the CG Excise Act but he has been granted bail in that matter and considering entire facts of the matter 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. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the CJM Rajnandgaon 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 Out Post Chichola, PS Churria, Distt. Rajnandgaon 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