

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4835 of 2017**

Vijay Soni S/o Late Ramlal Soni, Aged About 38 Years R/o Danwar
Khar, Police Station Kanker, District North Bastar Kanker, CG.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Excise Circle
Kanker, District North Bastar Kanker, Chhattisgarh.

---- Respondent

For applicant	Mr. P.K. Tulsiyan, Adv.
For Respondent/State	Mr. U.K.S. Chandel, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 9-7-2017 in connection with Crime No. 13/2017 investigating agency- Excise Circle, Kanker, Distt. North Bastar, Kanker (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, North Bastar, Kanker. This is his first bail application before this Court. As per allegation, 5.400 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 and submits that earlier Crime No. 123/2017 under Section 34 sub-section (1)(a) of the CG Excise Act, 1915 has been registered against him which shows his criminal antecedent.

5. Perused the matter.
6. On due consideration, as the applicant is in jail since 1 month and 13 days, charge sheet is not yet filed, trial may take some time, though earlier as aforementioned one matter has been registered against him but the same is bailable one 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the CJM North Bastar, Kanker 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