

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4974 of 2017**

- Suraj Barle, S/o Birbal Barle, Aged About 27 Years, R/o Ghasidas Nagar, Jamul, Bhilai, District Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Excise Sub Inspector Circle (Internal) (North), District Durg Chhattisgarh

---- Respondent

For Applicant : Shri B.P. Singh & Ms. Khushbu Verma,
Advocate.

For Respondent/State : Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.08.2017**

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 22/06/2017 in connection with Crime No. 199/2016 registered in Excise Authority Circle (Internal) (North), Distt. Durg, (C.G.) for offence punishable under Section 34 sub-section (2) of the Chhattisgarh Excise Act, 1915. Date of incident is 08/11/2016, applicant ultimately surrendered before the Trial Court and he was in custody since then. After investigation charge sheet has been filed and the matter is pending before the Chief Judicial Magistrate, Durg (C.G.) as Criminal Case No.3247/2017.

3. Learned counsel for the applicants submits that applicant is

the first offender. Though he absconded on 8-11-2016, but ultimately he had surrendered before the Trial Court on 22/06/2017, and since then he is in custody. As per the allegation, 9.900 bulk litre of country liquor has been seized from the house of the applicant. He will not commit any offence in future, the trial may take some time for its conclusion, hence he may be granted 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 quantity of liquor so seized. He submits that they have no material to demonstrate when the applicant surrendered before the Trial Court, though, fairly concedes that there is no criminal antecedent reported against the applicant.

5. Perused the matter.

6. As submitted if the applicant is in custody since 22/06/2017 in the present matter aforementioned, then only applicant be enlarged on bail on his furnishing a personal bond in the sum of Rs.40,000/- with one solvent surety of like some amount to the satisfaction of the Chief Judicial Magistrate, Durg, (C.G.) for his appearance before the said Court as and when directed till trial. If the information given by the learned counsel for the applicant is not correct as aforementioned, then Trial Court is not required to act upon this order unless appropriate order is passed by this Court in this regard.

7. Consequently, instant MCRC is allowed.

8. 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 the above, the Court below may proceed further under the provisions of law, under intimation.

9. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge