

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5206 of 2017**

- Rajkumar @ Lallan Gupta, S/o Shri Jagdish Prasad Gupta, Aged About 29 Years, R/o Gram Andi, Police Station & Tahsil Pendra, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Pendra, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Shri Rahul Sharma, Advocate.
For Respondent/State	: Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 29/06/2017, in connection with Crime No. 167/2017, registered in Police Station Pendra, Distt. Bilaspur (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that after investigation police had filed the charge-sheet which is pending before the Judicial Magistrate First Class, Pendra Bilaspur (C.G.). Learned counsel is not aware of the Criminal Case No. Learned Counsel for the applicant would further submit that the applicant will not commit any offence in future. The charge-sheet has been filed

against the present applicant and co-accused Ram Lal Kulhadiya. The co-accused has already been granted the bail by this Court in MCRC No.4972/2017 dated 25/08/2017. As per allegation the applicant and the co-accused were transporting 17.640 bulk litre of foreign liquor in a Scorpio bearing Registration No. CG 13 UB 0749. The said Scorpio has been seized from the co-accused, the liquor has been seized from the present applicant. 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 and would submit that the quantity of liquor so seized from the applicant is on the higher side and also earlier following matters have been registered against the applicant.

S.No.	Crime No./Complaint No.	Under Section
1.	157/2014	107 and 116 of the Cr.P.C.
2.	230/2016	107 and 116 of the Cr.P.C.
3.	273/2016	34 and 36 of the Chhattisgarh Excise Act.

5. Perused the matter.

6. As the applicant is in the custody since 2 months till date, charge-sheet has been filed, trial may take some time, the co-accused has already been granted bail, as per allegation the liquor was transported by the both the co-accused, though seized from the present applicant and also two matters in connection with preventive proceedings has been initiated against the applicant and another matter of similar offence has been registered but it is not specific whether under which provision the said Crime No.273/2016 was

registered and whether it was bailable one or not, on consideration of entire facts, I am inclined to grant an opportunity to the applicant so that he will 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.50,000/- with two solvent sureties each of Rs.25,000/- to the satisfaction of JMFC 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 applicants 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. The applicants are further directed to appear before the concerned SHO/IO/in-charge of the Police Station Pendra, Distt. Bilaspur, (C.G.) **on every 1st and 3rd Monday at 11:00 am** till trial. If the applicants fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicants remains absent

without any cogent reason and proper reason as directed, the bail granted to applicants 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.

11. Register (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 respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge