

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4945 of 2017**

- Rajkumar, S/o Duklu Satnami, Aged About 25 Years, R/o Village Rourpur, Post Balsamund, Police Station, Tahsil & District Bemetara, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri P.P. Sahu, Advocate.
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25.08.2017**

Heard finally.

2. The applicant has preferred this application for grant of bail as he is arrested on 05/07/2017, in connection with Crime No. 403/2017, registered in Police Station Bemetara, Distt. Bemetara (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 charge-sheet which is pending before the Chief Judicial Magistrate, Bemetara, as Criminal Case No. 1035/17. As per allegation, from the applicant 8.280 bulk litre foreign liquor has been seized. He will not commit any offence in future. Earlier, against the applicant following matter has been registered.

(i) Crime No.15/16 under Section 36C of the Chhattisgarh Excise Act, 1915.

(ii) Crime No.235/16 under Section 34(2) of the Chhattisgarh Excise Act, 1915, where allegation for illegal possession of 27 bulk litre liquor.

(iii) Complaint No.14/17 under Section 41(2), 110 of Cr.P.C.

4. Learned counsel for the applicant would submit that as the first matter was in relation with bailable offence in the second matter and applicant has been released on bail, said matter is pending, as the 3rd matter which was for the preventive proceedings initiated against the applicant after the present matter. He will not commit any offence in future, he may be granted bail till trial.

5. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant in the light of earlier matter registered against him and also with the quantity of liquor so seized.

6. Perused the matter.

7. As the applicant is in the custody since 1 month 20 days till date, charge-sheet has been filed, trial may take some time, applicant is aged about 25 years, 3 matter has been registered as stated, as applicant was not convicted by the Criminal Court and matter under Section 34(2) of the Chhattisgarh Excise Act, 1915 is pending after consideration of entire facts, I am inclined to grant last opportunity to the applicant to live peacefully in the society without committing any crime.

8. Consequently, instant MCRC is allowed.

9. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of sum of Rs.50,000/- with two solvent sureties each of Rs.25,000/- to the satisfaction of the CJM Bemetara, Distt. Bemetara (C.G.), for his appearance before the said Court regularly as and when directed by the said Court.

10. 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 Police Station Bemetara **on every 1st and 3rd Monday at 11:00 am** 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 reason 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.

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