

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5172 of 2017**

Savat Ram Sahu S/o Ganaram, Aged About 47 Years R/o Village
Puraina, O. P. Mohara, Police Station Dongargarh District
Rajnandgaon Chhattisgarh.

---- Applicant

State Of Chhattisgarh Through The Police Station Mohara, District
Rajnandgaon Chhattisgarh.

---- Respondent

For applicant	Mr. Shaleen Singh Baghel, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 29-7-2017 in connection with Crime No. 35/2017 registered in Out post Mohara, PS Dongargarh 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 Rajnandgaon. This is his first bail application before this Court. He is first offender. As per allegation, the applicant during investigation ran away from the spot leaving 13.500 bulk litre foreign liquor but ultimately he was arrested. Now he will not abscond. 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 arguments advanced on behalf of the applicant on the basis of the quantity of the liquor so seized and also as the applicant absconded from the spot and he was arrested after 7 month and 29 days. Looking to the conduct of the applicant, MCRC may be dismissed. However he fairly concedes that no criminal antecedent of the applicant is reported by the police in the

case diary.

5. Perused the matter.
6. As the applicant is the first offender, he is in jail since 1 months till date, charge sheet is not yet filed, trial may take some time, and as submitted he will not commit any crime in future and considering entire facts of the case, 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 Mohara, PS Dongargarh 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. CC as per rules..

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak