

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5301 of 2017**

Jaipal Das S/o Shri Charan Das, Aged About 53 Years R/o Village
Katahardi, Dogari Tir, Police Station Kotara Road, Tahsil & District
Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kotara Road, District
Raigarh, Chhattisgarh.

For applicant	Mr. Manoj Kumar Sinha, adv.
For Respondent/State	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****4-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 3-7-2017 in connection with Crime No. 11/2017 Investigating Agency – Excise Circle, Raigarh for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the CJM Raigarh as Cr. Case No. 414/2017. This is his first bail application before this Court. He is first offender. As per allegation, 7 bulk litre hand made country liquor has been seized from the conscious possession of the applicant. 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 from the applicant. He submits that earlier to this matter, Crime No. 134/2008 under Section 34 sub-section (1)(a) of the CG Excise ACT, 1915 has been registered against the applicant.

5. Perused the matter.

6. As the applicant is in custody since 2 month and 1 day till date, charge sheet has been filed, trial may take some time, though earlier one matter of similar offence has been registered against the applicant but the same is bailable one, 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the CJM Raigarh 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