

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5400 of 2017**

Manmohan Singh S/o Hari Singh Rajput, Aged About 48 Years
R/o Village Ranitalab, Police Station Chichola, District
Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Excise Circle Chichola,
District Rajnandgaon Chhattisgarh

---- Respondent

For applicant	Mr. Shaleen Singh Baghel, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****6-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 5-8-2017 in connection with Crime No. - Excise 55/2017, Investigating Agency- Excise Circle, Chichola, Distt. Rajnandgaon (CG) 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, the applicant is remanded by the CJM Rajnandgaon. This is his first bail application before this Court. He is first offender. As per allegation, 5.400 bulk litre foreign 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 further submits that earlier to this incident, following matters have been registered against the applicant :-

Sr. No.	Crime No./Complaint No.	Section
1.	Crime No. 225/2015	36(C) of the CG Excise Act, 1915
2.	Crime No. 318/2008	36(C) of the CG Excise Act, 1915
3.	Complaint No. 188/2003	107,116 sub-section (3), Cr.P.C.
4.	Complainant No. 222/03	107,116 sub-section (3), Cr.P.C.

Learned counsel submits that in view of the criminal antecedent of the applicant, instant MCRC may be dismissed.

5. Perused the matter.
6. As the applicant is in custody since 1 month and 1 day till date, charge sheet has not been filed, trial may take some time, though against the applicant two matters in connection with preventive proceedings and two matters for similar offence have been registered but as they were bailable one and the applicant is not previously convicted, and as submitted he will not commit any crime in future and considering entire facts of the case, I am inclined to grant last 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 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. 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**