

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5393 of 2017**

Dukalu Lahre S/o Shri Rambhajan Lahre, Aged About 53 Years
R/o Occupation Labour, R/o Village Bhawarchuwa Binjhwarpara,
Thana Basna, Civil & Revenue District Mahasamund
(Chhattisgarh).

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police
Station Basna, District Mahasamund (Chhattisgarh).

---- Respondent

For applicant	Mr. Sunil Sahu, Adv.
For Respondent/State	Mr. Arvind Shukla, 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 31-7-2017 in connection with Crime No. 138/2017 registered in PS Basna, Distt. Mahasamund 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 Mahasamund as Cr. Case No. S-1781/2017. This is his first bail application before this Court. He is first offender. As per allegation, 81 bulk litre 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 further submits that on 20-3-2011, a preventive proceeding under Section 151, 107, 116 sub-section (3) of the Cr.P.C. has been initiated. Hence instant MCRC may be dismissed.
5. Perused the matter.
6. As the applicant is in custody since 1 month and 7 days till date, charge sheet has been filed, trial may take some time, though quantity of the liquor so seized from the applicant is on higher side and earlier one preventive proceeding was initiated in the year 2011 but 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. 1,00,000/- with two solvent sureties each of Rs. 50,000/- to the satisfaction of the CJM Mahasamund 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 Police Station Basna, Distt. Mahasamund on every 1st and 3rd Monday of every month 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