

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5644 of 2017**

Neerushankar Tondon S/o Narayan Tondon Aged About 20 Years R/o
Sakin- village Bharatpur, Police Station Bhatapara (Gramin), District
Baloda Bazar, Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Bhatapara (Gramin), CG

---- Respondent

For applicant	Ms. Supriya Upasne, Adv.
For Respondent/State	Mr. Anant Bajpai, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****14-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 11-8-2017 in connection with Crime No. 284/2017 registered in PS Bhatapara (Gramin), Distt. Baloda Bazar-Bhatapara (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 Balodabajar. This is his first bail application before this Court. He is first offender. As per allegation, applicant and co-accused Chandan Kumar Dhritlahre were going on a motorcycle bearing Registration No. CG 04 K 2016 along with 13.500 bulk litre country liquor. Police during investigation seized said liquor and motorcycle from joint possession of both the accused. 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 also submits that prior to the incident,

one Crime No. 197/2017 under Section 34 sub-section (1)(a) of the CG Excise Act, 1915 has been registered against the applicant hence instant bail application may be dismissed.

5. Perused the matter.
6. As the applicant is in custody since 1 month and 3 days till date, charge sheet has not been filed, trial may take some time, though one more matter as aforementioned has been registered against the applicant prior to this incident but 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. 40,000/- with one solvent surety of the like sum to the satisfaction of the CJM Bloda Bajar 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

