

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5696 of 2017**

Gurdeep Singh Alias Bablu S/o Harbhajan Singh, Aged About 36
Years R/o Budhwari Para, Ward No.14, Dongargarh
Distt.Rajnandgaon, CG

---- Applicant**Versus**

State of Chhattisgarh through the Excise Circle Dongargarh
District Rajnandgaon, CG

---- 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****20-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 26-8-2017 in connection with Crime (Excise) No. 88/2017, investigating agency – Excise Circle, Dongargarh, 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, 19.080 bulk litre foreign liquor of neighbouring State 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 also submits that prior to this incident, crime No. 523/2015 under Section 13 of the Public Gambling Act, 1867 has been registered in which the applicant and one co-accused were sentenced to pay fine of Rs. 100/- each. Hence looking to the criminal antecedent instant MCRC may be dismissed.

5. Perused the matter.
6. As the applicant is in custody since 27 days till date, charge sheet has not been filed, trial may take some time, though earlier a matter aforementioned has been registered against the applicant in which Rs. 100/- fine has been imposed on him, but 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 Rajnandgaon 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 IO, Excise Circle, Dongargarh, Rajnandgaon on 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