

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5805 of 2017**

Manik Sinha S/o Motiram Sinha Aged About 45 Years R/o Sendari
Tahsil And District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Excise Dongargarh
District Rajnandgaon Chhattisgarh.

---- Respondent

For applicant	Mr. Aditya Bhardwaj, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 24-8-2017 in connection with Crime (Excise) No. 86/2017 investigating agency – Excise Circle Dongargarh, 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 and the applicant is remanded by the CJM Rajnandgaon. This is his first bail application before this Court. As per allegation, 5.760 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 submits that prior to the incident, following matters have been registered against the applicant :-

Sr. No.	Case No.	Offence under Section
1	Crime No. 186/2012	294, 506, 323, 34, IPC
2.	Complaint No. 153/2013	107, 116 sub-section (3) of the Cr.P.C.
3.	Crime No. 120/2013	294, 506, IPC
4.	Crime No. 361/2016	34 sub-section(1)(a) of CG Excise Act, 1915
5.	Crime No. 57/2015	S. 294, 323 of the IPC.

Hence looking to 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 3 days till date, charge sheet is not yet filed, trial may take some time, though against the applicant 5 matters have been registered, out of them one matter was in connection with preventive proceeding, one similar matter was bailable one, also other three matters are regarding penal provisions, last matter is registered about 2 years ago, there is no fact surfaced as to what was the outcome of the matters, looking to the entire facts, 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. 25,000/- 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. The applicant is further directed to appear before the concerned IO/in-charge of Excise Circle, Dongargarh, Distt. Rajnandgaon (CG) 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. Addl. 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