

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5980 of 2017**

Narendra Kumar Gond S/o Madan Lal Gond, Aged About 32 Years R/o Village Jarwahi Chowki Mohara, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Chowki Mohara, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant	Mr. S. S. Baghel, Adv.
For Respondent/State	Mr. O.P. Sahu, Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****9-10-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 7-9-2017 in connection with Crime No. 297/2017 registered in Out Post Mohara, Police Station 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, the applicant is remanded by the CJM Rajnandgaon. This is his first bail application before this Court. He is first offender. As per allegation, 9.720 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 following matters/ complaint have been registered against the applicant:-

Sr. No.	Crime No./complaint No.	Under Section
1	Complaint No. 253/2012	107, 116(3) of Cr.P.C.
2.	Complaint No. 274/2013	107, 116(3) of Cr.P.C.
3.	Crime No. 235/2013	294, 506, 323, 34, IPC

It is submitted that looking to the criminal antecedent, instant bail application

may be rejected.

5. Perused the matter.
6. On due consideration, as the applicant is in custody since 1 month and 2 days till date, charge sheet is not yet filed, trial may take some time, though against the applicant two matters in connection with preventive proceedings have been initiated and one matter of penal offence has been registered but as there is no fact about conviction of the applicant in the matter of penal offence, 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. 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