

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3344 of 2017

- Ghansiram Banjare, aged about 40 years, S/o Tijau Banjare, R/o Village – Khandwa, P.S. Simga, District – Balodabazar-Bhatapara (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station – Simga, District – Balodabazar-Bhatapara (C.G.)

---- Non-Applicant

For Applicant	: Shri Vimlesh Bajpai, Advocate
For Respondent/State	: Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

09-06-2017

1. Heard the matter finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 14-04-2017 in connection with Crime No.131/2017 registered in Police Station – Simga, District – Balodabazar-Bhatapara, Chhattisgarh for offence punishable under Section 34(2) of the C.G. Excise Act, 1915.
3. Learned counsel for the applicant would submit that charge-sheet has not yet been filed. Applicant is remanded by the Judicial Magistrate First Class, Simga, District – Balodabazar-Bhatapara (C.G.). Applicant was not involved in the similar offence prior to the incident. Trial may take some time, he will not commit any offence in future, he may be granted bail during trial. Learned counsel further submits that as per allegation, from the applicant 5.400 bulk liters country liquor has been seized.
4. Per contra, learned counsel for the State/respondent opposed the argument advanced on behalf of the applicant as following matters have been registered against the applicant prior to the incident.

S.No.	Crime Nos.	Sections
1.	264/2015	U/S 36-F(2) of the C.G. Excise Act, 1915
2	315/2015	U/S 34(1)(a) of the C.G. Excise Act, 1915
3	192/2014	U/S 34(1)(a) of the C.G. Excise Act, 1915

Hence, the instant MCRC may be dismissed as the applicant is having criminal antecedents prior to the incident.

5. Perused the entire matter.
6. As the applicant is in custody for 1 month 27 days till date. Though aforementioned three Crime Nos. have been registered against the applicant, but they are bailable one. Looking to the quantity of liquor so seized from the applicant, I am inclined to grant one opportunity to the applicant so that he shall not involve in any of the offence in future and he shall live peacefully in the society. 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 to the satisfaction of the Judicial Magistrate First Class, Simga, District – Balodabazar-Bhatapara for his appearance before the said trial Court as and when directed till trial.
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; and (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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge