

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4195 of 2017

- Mahettar Lal Sarthi S/o Nanhuram Sarthi, Aged About 55 Years, R/o Village Madwa, Police Station Chandrapur, District - Janjgir-Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chandrapur, District Janjgir-Champa Chhattisgarh

---- Non-applicant

For Applicant – Shri Ishwar Jaiswal, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

26-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.47/2017 on 20-04-2017 by P.S. Chandrapur, District Janjgir-Champa, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is pending before the CJM Janjgir as Criminal Case No.455/2017. As per the allegation, 7.500 bulk liter hand-made country liquor has been seized from the applicant. He will not commit any offence in future. He was never involved with the similar crime earlier. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of quantity of liquor so seized from the applicant and also as following matters have been registered against the applicant prior to the incident:-

Sl.No.	Complaint No./Crime No.	Section
01.	Complaint No.58/03	107, 116(3) of the Cr.P.C.
02.	Complaint No.6/95	107, 116(3) of the Cr.P.C.
03.	Complaint No.52/02	151, 107, 116(3) of the Cr.P.C.
04.	Complaint No.75/01	107, 116(3) of the Cr.P.C.
05.	Crime No.44/95	147, 148, 323, 324, 294 of the IPC

4. Perused the entire material.

5. As the applicant is in custody since three months 6 days till date, charge sheet has been filed, trial may take some time, though earlier 4 matters have been registered against the applicant which were for preventive proceedings and one matter in connection with penal section has been registered, but there is no any involvement of the applicant for the similar offence, on consideration of the nature of the offences registered against the applicant prior to the incident and other facts, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs. 25,000/- each to the satisfaction of the Chief Judicial Magistrate Janjgir-Champa, C.G. for his appearance before the said Court as and when directed till trial.

6. 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.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge