

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1650 of 2017

1. Bulaki Sahu S/o Jeevan Sahu, Aged About 28 Years, R/o Village Singarpur, Police Station Bhatapara Gramin, Tahsil Bhatapara, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station Bhatapara Gramin, District Balodabazar-Bhatapara Chhattisgarh.

---- Non-applicant

For Applicant – Shri Bharat Lal Dembra, Advocate.

For Non-applicant/State – Shri U.K.S.Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

17-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.46/2017 on 05-02-2017 by P.S. Bhatapara Gramin, District Balodabazar-Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act. After investigation charge sheet has been filed and the same is registered as Criminal Case No.152/2017 pending before the CJM Balodabazar. He will not commit any offence in future. This is the first bail application and as per the allegation, 5.400 M.L. country liquor has been seized from the conscious possession of the applicant.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that earlier two cases under Section 34(2) of the Excise Act, 1915, Crime No.313/14, 172/15, two other in connection with preventive procedure as in Cr.P.C. and also one matter under Section 294, 323, 427 of the IPC were registered against the applicant, it goes to show the earlier criminal antecedent of the applicant. Hence, the application may be dismissed.

4. Perused the entire material.

5. On due consideration, looking to the quantity of liquor so seized though earlier for five occasions as aforementioned the cases were registered against the present applicant, but the applicant, as submitted, submits that he will not commit any offence in future, I am inclined to grant one last opportunity to the applicant so that he may remain in society without committing any offence in future. 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 Balodabazar, C.G. for his appearance before the said trial Court as and when directed.

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