

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1956 of 2017

1. Kaushal Sukulal Tandan S/o Daduram Tandan, Aged About 40 Years, Occupation Labourer, R/o Mitthumuda, Chowki Jutmil, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Incharge Out Post Station House Officer, Police Station Jutmil, District Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ashish Gupta, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.72/2017 on 10-02-2017 by the Police Outpost Jutmil, P.S. City Kotwali, District Raigarh, C.G for the offence under Section 34(1)(A-2) of the C.G. Excise Act. Charge sheet has not yet been filed; prepared charge sheet was scheduled to be filed by today itself. The applicant will not commit any offence in future. He is in jail for about two months. He may be given an opportunity to remain in bail during trial. As per allegation, from the conscious possession of the the applicant 7.560 M.L. country liquor has been seized.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and submitted that earlier Crime No.265/11 under Section 36(c) of the Excise Act, 832/13 under Section 34(1) (a) of the Excise Act, 1003/13 under Section 34(1)(a) of the Excise Act and Crime No.414/16 under Section 34(1)(a) of the Excise Act and one matter in relation with Section 324 of the IPC in the year 2009, one matter in relation with Section 294, 506B in the year 2009 and one matter under the provisions

of Section 107, 116 of the Cr.P.C., one matter under Section 110 of the Cr.P.C has been registered against the present applicant. It goes to show the earlier criminal antecedent of the present applicant. Hence, the MCRC may be dismissed.

4. Perused the material.

5. On due consideration, looking to the period of detention and other facts, I am inclined to allow the instant MCRC. 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Raigarh, 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