

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1812 of 2017

1. Veer Singh Kripal @ Jangali S/o Visambhar, Aged About 45 Years R/o Village Gahiranawagaon, Police Station Deori, District Balod Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Devri, District Balod Chhattisgarh

---- Non-applicant

For Applicant – Shri B.P. Singh, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-04-2017

1. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.13/2017 on 16-02-2017 by police of P.S. Devri, District Balod, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. The matter is pending before the Chief Judicial Magistrate, Balod. Charge sheet has been filed on 9 March, 2017, but for the moment, the learned counsel for the applicant is not in a position to state the criminal case number. As per allegation, 12.240 bulk liters duty paid liquor has been seized from conscious possession of the applicant.

2. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that against the present applicant a matter under Section 13 of the Gambling Act, Section 294, 506B of the IPC and 34(1) of the Excise Act is also registered, it goes to show earlier criminal antecedent of the present applicant, hence, the instant MCRC may be dismissed.

3. Perused the material.

4. On due consideration, I am inclined to grant one opportunity to the

applicant to remain in bail so that he may live in the society without committing any similar offence. 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 to the satisfaction of the Chief Judicial Magistrate, Balod, C.G. in Crime No.13/2017, P.S. Devri for the offence under Section 34(2) of the C.G. Excise Act for his appearance before the said trial Court as and when directed by the trial Court.

5. 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.

6. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE