

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1813 of 2017

1. Rano Vishwakarma W/o Late Kaliya Vishwakarma, Aged About 65 Years, R/o Behind Kallu Garage, Maudhapara, Police Station Maudhapara, District Raipur Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Maudhapara, District Raipur Chhattisgarh

---- Non-applicant

For Applicant – Shri Suresh Tandan, 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 submits that the applicant held arrested in connection with Crime No.58/2017 for the offence under Section 34(2) of the C.G. Excise Act, 1915 by Police Station Maudhapara, Raipur on 25-02-2017. The charge sheet has yet not been filed. Earlier Criminal Case No.450/2013 filed against the present applicant wherein she was acquitted for the offence under Section 34(1)(A) of the Excise Act, 1915. In the present matter, as per the allegation, 5.40 bulk liters foreign liquor has been seized from the conscious possession of the applicant. She is local resident aged about 65 years at the time of incident. She will appear regularly. Hence, she may be granted opportunity to remain in bail.

2. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that since 2002 till 2015, 8 criminal cases against the applicant were registered, under various Sections, i.e., Section 36(c) of the Excise Act, 34(1) of the Excise Act, 34(2) of the Excise Act and under Section 294, 504B, 323 of the IPC cases have been 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, as the applicant is in jail for more than a month, looking to the quantity of the liquor so seized from the applicant, I am inclined to grant a last opportunity to the applicant. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on her furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each in Crime No.58/2017 for the offence under Section 34(2) of the C.G. Excise Act to the satisfaction of the Chief Judicial Magistrate Raipur, C.G. for her 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