

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1955 of 2017

1. Vijay Kumar Dansena S/o Shri Masat Ram Dansena, Aged About 50 Years, R/o Village Milupara, Police Station & Tahsil Tamnar, District Raigarh, Civil and Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh through Police Station Tamnar, District- Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Manoj Kumar Sinha, Advocate.

For Non-applicant/State – Shri Arvind Shukla, 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.43/2017 on 04-03-2017 by Tamnar, District Raigarh, C.G. police for the offence under Section 34(2) of the C.G. Excise Act, 2015. Charge sheet has been filed and the same is pending before the JMFC Gharghoda. The applicant is not in a position to state number of said criminal case. The applicant is first offender. This is first bail application. As per allegation, from conscious possession of the applicant 20.400 M.L. liquor was seized. He will not commit any offence in future. He may be granted bail till trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and submitted that in addition to the present matter, in the year 2013 and 2014 two cases were also registered under Section 34(1) of the C.G. Excise Act, 1915. Hence, the application may be dismissed.
4. Perused the material.
5. On due consideration, looking to the entire facts and circumstances, I

am inclined to grant one opportunity to the applicant so that he may not commit 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Gharghoda, District 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