

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1996 of 2017

1. Smt. Madhu Panjwani W/o Late Shri Ashok Panjwani, Aged About 48 Years, R/o Jhanda Chowk Pandri Raipur, Police Station Civil Line District- Raipur, Civil And Revenue District Raipur, Chhattisgarh.
2. Smt. Kammo Mahaptra W/o Late Shri Basant Mahapatra, Aged About 55 Years, R/o Satnami Para Pandri Police Station Civil Line Raipur Civil And Revenue District- Raipur, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through : Police Station Civil Line , District Raipur Chhattisgarh

---- Non-applicant

For Applicants – Shri Ajay Mishra, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.168/17 on 11-03-2017 by Civil Lines Raipur, C.G. police for the offence under Section 34(2) of the C.G. Excise Act. After investigation charge sheet has been filed against both the applicants pending before the CJM Raipur, C.G. The applicants will not commit any offence in future and as per the allegation, 5.760 bulk liters liquor has been seized from applicant No.1, but both the applicants were involved in the illegal sell of the said seized liquor. The may be granted one opportunity to remain on bail, both the applicants are woman.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and submitted that there is no any earlier criminal involvement of the applicant No.1, but the matter under Section 302 of the IPC has been registered in the year 1997 and another matter under Section 34(2) of the Excise Act is registered in the year 2014

against applicant No.2, it goes to show criminal antecedent of applicant No.2. Hence, looking to the entire conduct, the instant MCRC may be dismissed.

4. Perused the matter.

5. Though police had seized liquor from possession of applicant No.1 but the charge sheet goes to show involvement of applicant No.2, also as both the applicants are in jail since for a month, looking to the quantum of liquor so seized, I am inclined to grant one opportunity to the applicants so that they shall not commit any offence of the similar nature in future and may remain peacefully.

6. Consequently, the instant MCRC is hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Raipur, C.G. for their appearance before the said trial Court as and when directed.

7. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain 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.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE