

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2002 of 2017

- Sohan Thakur S/o Late Sundar Singh, Aged About 52 Years, Occupation Labor, R/o Ward No. 15, Mahamayapara, Mahasamund, Police Station, Tahsil & District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Mahasamund, District Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri U.K.S.Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

04-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.133/2017 on 06-03-2017 by P.S. City Kotwali, Mahasamund, District Mahasamund, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation charge sheet been filed, which is pending before the CJM Mahasamund as Criminal Case No.S-758/17. Learned counsel for the applicant would further submit that the applicant will not commit any offence in future and as per the allegation, from the applicant 135 bulk liter country liquor has been seized. He is in custody since long. He may be granted one opportunity to remain in bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of huge quantity of liquor so seized from the applicant and also as earlier Crime No.452/15 under Section 34(1)(a) of the Act, 1915 has been registered against the applicant.

4. Perused the entire material.

5. As the applicant is in custody for about 6 months, charge sheet has been filed, trial may take some time, though earlier one matter has been registered against the applicant, but as the said was bailable one, in the present matter the quantity of liquor so seized is on the higher side, but, after consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. 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.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- each to the satisfaction of the Chief Judicial Magistrate Mahasamund, C.G. for his appearance before the said Court as and when directed till trial.

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. It is further directed that till conclusion of the trial the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. City Kotwali, Mahasamund, District Mahasamund, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present

before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge