

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2067 of 2017

1. Dharmjeet Singh S/o Shri Hira Singh Rajput, Aged About 30 Years, R/o Village Mudhani, Thana Mohniya District Saimur Madhua, Bihar.
2. Mohan Talak S/o Shri Seuk Tarak, Aged About 26 Years, R/o Village Tarra, Thana Panduka District Gariyaband, Chhattisgarh.
3. Umesh Nishad S/o Shri Ramadhar Nishad, Aged About 25 Years, R/o Village Gadadih, Thana Magarload District Dhamtari, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Panduka, District Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Mateen Siddiqui, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants are arrested on 12-03-2017 in connection with Crime No. 23/2017 by Panduka, Civil District Raipur, C.G. police for the offence under Section 34(2) of the C.G.Excise Act, 1915. After investigation charge sheet has been filed which is pending before the CJM Gariyaband as Criminal Case No.320/2017. The applicants are first offender with no any criminal antecedent. This is the first bail application and as per the allegation, from each of the applicants 63 liter liquor has been seized individually, with this, from all the applicants total 189 liter liquor has been seized. Vehicle CG 08 5795 is also seized. They will not commit similar or other offence in future. The trial may take some time. They may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and would submit that quantity of the liquor so seized from each of the applicants is on higher side, though

police had not collected any material regarding previous criminal antecedent in the matter. Hence, looking to the quantity of liquor so seized, the MCRC may be dismissed.

4. Perused the entire material.

5. On due consideration, as the applicants were arrested on 12-03-2017, they are in custody for about 1 month and 6 days. Charge sheet has been filed which is pending, vehicle in question is also seized. Though quantity of liquor so seized from the possession of each applicants is 63 liter is on higher side, but as they were not involved in the similar offence and as submitted they will not involve in any of the similar offence again, I am inclined to grant one last opportunity to the applicants so that they shall not indulge in the similar or other crime again till trial. 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.1,00,000/- (One Lac) with two solvent sureties of Rs.50,000/- to the satisfaction of the Chief Judicial Magistrate, Gariyaband, C.G. for their appearance before the said trial Court as and when directed.

6. 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.

7. The applicants are further directed to remain present before SHO/IO/In-charge, as the case may be, of Panduka police on 1st and 3rd Monday of every month at 11.00 a.m. positively till the disposal of the said criminal case. If the

applicants failed to mark their appearance before the Panduka police as directed, the said police may inform the facts to the trial Judge and in case the trial Judge finds that the applicants were not present as directed before the concerned police without any proper or cogent reason, the bail granted to the applicants shall stand cancelled without further reference to the Bench.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE