

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2301 of 2017

1. Amrit Lal Dhruw S/o Dashrath Dhruw, Aged About 35 Years, R/o Village Labhra Khurd, Police Station & Tahsil Mahasamund, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station City Kotwali Mahasamund, District Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Sumit Shrivastava, Advocate.

For Non-applicant – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

26-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is arrested in connection with Crime No.131/2016 on 05-3-2017 by P.S. City Kotwali Mahasamund, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After completion of the investigation, charge sheet has been filed which is pending before the CJM Mahasamund, C.G. as Criminal Case No.218/17. The applicant is first offender. He will not commit any offence in future. As per the allegation, 18 liter country liquor has been seized from the conscious possession of the applicant along with a motorcycle whose registration number was not reflecting on the vehicle.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and submitted that earlier also Crime No.153/16 under Section 34(2) of the C.G. Excise Act, 1915 has been registered against the present applicant for illegal possession of 9 liter of liquor, it goes to show the earlier criminal antecedent of the present applicant. Hence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. Though the applicant was earlier involved in a similar offence, presently the applicant is in jail since 1 and 21 days, charge sheet has been filed and as submitted the applicant will not commit any offence in future, I am inclined to grant one last opportunity to the applicant so that he shall not commit any offence in future and remain in society peacefully. 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 Chief Judicial Magistrate Mahasamund, 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