

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2286 of 2017

- Deendayal Sahu S/o Ramlal Sahu, Aged About 55 Years, Caste Sahu, R/o Village Khamhariya, Police Station & Tahsil Baradwar, Civil & Revenue District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Baradwar, Civil & Revenue District Janjgir-Champa, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Punit Ruparel, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.62/17 on 13-3-2017 by P.S. Baradwar, District Janjgir-Champa, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation charge sheet has been filed, which is pending before the CJM Janjgir, Distt. Janjgir-Champa, C.G. as Criminal Case No.375/17. As per the allegation, 63 bulk liter country liquor has been seized from the applicant. Though earlier 8 cases have been registered against the applicant as shown in the order sheet dated 26-04-2017, but out of them three matters were in relation with preventive proceedings, three matters were in connection with Section 36(C) of the Act, 1915 and two matters were under Section 34(1)(a) of the Act, 1915 which were bailable one . The applicant will not commit any offence in future. Trial may take some time. He may be given one opportunity to remain in bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant on the basis of huge quantity of liquor so seized from the applicant and also the aforementioned criminal

antecedent of the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 3 months and 29 days till date, charge sheet has been filed, trial may take some time, though as aforementioned 8 matters have been registered against the applicant, but as submitted by learned counsel for the applicant regarding the nature of the matters and other facts, though the quantity of liquor so seized in the present matter is high, I am inclined to grant one last 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 Janjgir, Distt. Janjgir-Champa, 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 the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Baradwar, District Janjgir-Champa, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against him. 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