

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2406 of 2017

1. Narad Ram S/o Late Shri Devsingh Sahu, Aged About 42 Years, R/o Village Shivpuri, Out Post Mohara, Police Station Dongargarh, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station Excise Cell Dongargarh, District Rajnandgaon Chhattisgarh

---- Non-applicant

For Applicant – Ms. Arpana Singh, Advocate.

For Non-applicant/State – Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.276/2017 on 20-3-2017 by the Excise Unit Dongargarh, District Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Charge sheet has not yet been filed. The applicant is remanded by the CJM Rajnandgaon, C.G. As per the allegation, 9.540 bulk liter liquor has been seized from the applicant. The applicant will not commit any offence in future. 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 and submitted that earlier five times the concerned police initiated preventive proceedings against the present applicant under Section 107, 116 of the Cr.P.C. and once registered Crime No.137/14 under Section 34(1)(a) of the Act, 1915, it goes to show the criminal antecedent of the present applicant. Hence, the instant MCRC may be dismissed.
4. Perused the entire material.

5. On due consideration, looking to the facts that the applicant is in jail for one and ½ months, charge sheet has not yet been filed, though there are 5 preventive proceedings registered against the applicant and another matter under Section 34(1)(a) of the Act, 1915 is also registered, but looking to the entire facts and circumstances and the quantity of liquor so seized, I am inclined to grant one last opportunity to the applicant so that now he shall not involve himself in any similar or other offence and shall live in society peacefully without committing any crime. 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 Rajnandgaon C.G. for his appearance before the said trial 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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE