

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2418 of 2017

1. Mahesh Kumar Sahu S/o Late Durga Prasad Sahu, Aged About 35 Years, R/o Village- Hirri, Police Station Hiri, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through: Station House Officer Police Station Hirri, District- Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Satish Chandra Verma, Advocate.

For Non-applicant/State – Shri Wasim Miyan, 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.65/2017 on 01-4-2017 by P.S. Hirri, District Bilaspur, 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 and the applicant is remanded by the JMFC Bilha, District Bilaspur, C.G. As per the allegation, 6.120 bulk liter liquor has been seized from the applicant. The applicant will not commit any offence in future. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and in addition submitted that earlier Crime No.205/2006, 44/2011, 55/2015 have been registered against the present applicant under Section 34(1)(a) of the Act, 1915 which goes to show the earlier criminal antecedent of the applicant. Hence, the instant MCRC may be dismissed.
4. Perused the entire material.
5. Looking to the facts that the applicant is in jail since one month and 3

days, the three aforementioned offence registered were in connection with liquor less than 5 liter and as submitted the applicant shall not commit any offence in future and also looking to quantity of liquor so seized from the applicant in the present matter, 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Bilha, District Bilaspur, C.G. for his appearance before the said trial Court as and when directed till the disposal of said matter.

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