

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2430 of 2017

1. Rajesh Ramteke S/o Pancham Das, Aged About 55 Years, R/o Ward No. 08, Mahrapara, Gandai, Police Station Gandai, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Excise Circle Gandai, Police Station Gandai, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Mirza Hafeez Baig, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

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.75/2017 on 02-4-2017 by P.S. Gandai 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 Additional CJM Khairagarh, Distt. Rajnandgaon, C.G. As per the allegation, 86.400 bulk liter liquor has been seized from the applicant's residence. He 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 on the basis of mature age of the applicant and the quantity of the liquor so seized from the applicant, though fairly conceded that earlier no any criminal antecedent has been reported against the present applicant.
4. Perused the entire material.
5. Though the applicant is of mature age and the quantity of liquor so seized from the applicant is on the higher side, but as police had not reported

any earlier criminal antecedent, the applicant is in jail since one month, charge sheet has not yet been filed, the matter may take some time for hearing, I am inclined to grant one last opportunity to the applicant so that he shall not involve in any similar or other offence in future and may 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.1,00,000/- with two solvent sureties of Rs.50,000/- each to the satisfaction of the Additional Chief Judicial Magistrate Khairagarh, District 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. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of Gandai police, District Rajnandgaon, 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. The MCRC allowed.
9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

Aadil