

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2419 of 2017

1. Shyam Kumar Dhamecha S/o Ashok Kumar Dhamecha, Aged About 35 Years, R/o Telibandha, Gali No. 07, Near Dudh Dairy, Post Office Raipur, Police Station Telibandha, Raipur, Tahsil & District Raipur, Chhattisgarh. Present R/o Housing Board Colony, Mungi, Post Office & Police Station Mandir Housad, District Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Mandir Housad, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Arvind Shukla, 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.80/2017 on 09-3-2017 by Mandir Housad police, District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). The applicant is in jail since one month and 26 days till date. After investigation police had filed the charge sheet which is registered as Criminal Case No.3498/2017 pending before the JMFC Raipur, C.G. The applicant is the first offender. This is first bail application. As per the allegation, 29.520 bulk liter foreign liquor has been seized from the applicant. 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 the quantity of liquor so seized from the applicant, though fairly conceded that the applicant had not involved earlier in any similar or other offence. Hence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. On due consideration, as the applicant is in jail since 1 month and 26 days till date and also he is the first offender, though the quantity of liquor so seized is on the higher side, but as the applicant has submitted that he shall not commit any similar or other offence in future, I am inclined to grant one last opportunity to the applicant so that he shall not commit any or similar 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.50,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Raipur, 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