

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2429 of 2017

1. Shambhu @ Bhupendra Patel S/o Lakheshwar Patel, Aged About 19 Years, R/o Village Limtara, Thana Masturi, District Bilaspur, Chhattisgarh. Presently Residing at Village Dheka, Thana Torwa, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station Torwa, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Mahendra Dubey, Advocate.

For Non-applicant/State – Shri Vinod Tekam, 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.98/2017 on 27-3-2017 by P.S. Torwa, District Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915') and Section 25 of the Arms Act. Charge sheet has not yet been filed. The applicant is remanded by the JMFC Bilaspur, C.G. As per the allegation, from the possession of the applicant 10.230 bulk liter foreign liquor/country liquor, cash Rs.510/- and one sword has been seized. The applicant is 19 years young boy. He will not commit any offence in future. He may be granted one opportunity. He is in jail since one month and 8 days.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that earlier Crime No.232/16 under Section 34(1)(a) of the Act, 1915 has been registered against the present applicant and this time again the applicant is arrested along with sword and the liquor as aforementioned, it goes to show the conduct and criminal antecedent of the applicant, hence the instant MCRC may be

dismissed.

4. Perused the entire material.

5. Looking to the fact that the applicant is aged about 19 years and another matter registered against the applicant but the same was for illegal possession of liquor below 5 bulk liter, on due consideration, as the applicant is in jail sine one month and 8 days, I am inclined to grant one last opportunity to the applicant so that he now shall not involve in any similar or other offence 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Bilaspur, 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