

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2417 of 2017

1. Uday S/o Late Itwari Deshlahre, Aged About 32 Years, Caste- Satnami, R/o Village Khairi, Police Station Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through: Station House Officer Police Station - Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Abhishek Sharma, Advocate.

For Non-applicant/State – Shri Om P. Sahu, 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.49/2017 on 10-3-2017 by P.S. Chhuikhadan, District Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet which is registered as Criminal Case No.157/2017 pending before the Additional CJM Khairagarh, Distt. Rajnandgaon, C.G. As per the allegation, 7.200 bulk liter country liquor has been seized from the applicant. The applicant will not commit any offence in future. He may be granted bail during trial as the trial may take some time.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and in addition would submit that earlier Crime No.129/13 under Section 34(1)(a) of the Act, 1915, Crime No. 216/16 under Section 34(1)(a) of the Act, 1915 have been registered against the present applicant which goes to show the earlier criminal antecedent of the applicant. Hence, the instant MCRC may be dismissed.
4. Perused the entire material.

5. On due consideration, as the applicant is in jail since one month and 25 days, quantity of liquor so seized is 7.200 bulk liter along with sale amount Rs.500/-, though there are two cases registered against the present applicant, but they were regarding seizure of liquor below 5 liters and as the applicant has submitted that he will not commit any offence in future, I am inclined to grant one last opportunity to the applicant so that he shall not commit any similar or other 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 Additional Chief Judicial Magistrate Khairagarh, District Rajnandgaon, 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