

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2432 of 2017

1. Amit Kumar Gupta S/o Satyanarayan Gupta, Aged About 24 Years, R/o Deepak Nagar Gali No. 3, Durg, Police Station Monah Nagar Durg, Tehsil & District Durg, Chhattisgarh.
2. Moti Lal Singhade S/o Late Sakha Ram Singhade, Aged About 47 Years, R/o Near Majar Kelabadi Durg, Police Station Durg, Kotwali, Tehsil & District Durg, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through SHO Police Station Pulgaon, District Durg, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Avinash Chand Sahu, 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 applicants would submit that the applicants held arrested in connection with Crime No.169/2017 on 28-3-2017 by P.S. Pulgaon District Durg, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). The applicants are the first offender. This is first bail application. As per the allegation, from joint possession of both the applicants 36 bulk liter foreign liquor and motorcycle CG 07 LL 2013 has been seized. Charge sheet has not yet been filed. The applicants are in jail since one month and 7 days. They will not commit any offence in future. They may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and submit that applicant No.1 Amit Kumar Gupta is not permanent resident of Durg, instead, he is resident of State of Jharkhand, temporarily living at Durg and also looking to the quantity of liquor so seized, the instant MCRC may be dismissed.
4. Perused the entire material.

5. On due consideration, as the applicants are in jail for one month and 7 days, they are first offender, police had not collected any material regarding earlier criminal antecedent, trial may take some time, though the quantity of liquor so seized from the applicants is on higher side, I am inclined to grant one last opportunity to the applicants so that they shall not involve themselves 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 applicants are directed to be released on bail on each of them 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 Durg, C.G. for their appearance before the said trial Court as and when directed till trial.

6. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain 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