

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2560 of 2017

1. Bali Sahu S/o Pawan Sahu, Aged About 27 Years, R/o Village Dewri, Police Station Dharseenwa, Civil & Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through The Police Station, Simga, Civil & Revenue District Baloda Bazar- Bhatapara, Chhattisgarh

---- Non-applicant

And

MCRC No. 2932 of 2017

1. Dipesh Kumar Sahu S/o Govind Kumar Sahu, Aged About 23 Years, R/o Village Kuthrel, Police Station Dharsiva, District Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Office, Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Mr. Adil Minhaj, Advocate (in MCRC No.2560/2017).
Ms. Pushplata Khalkho, Advocate (in MCRC No.2932/2017)
For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-05-2017

1. As both the MCRC arise out from the same crime number and incident, both the MCRC are being disposed of by this common order.
2. Respective counsel for the applicants in both the MCRC would submit that the applicants held arrested in connection with Crime No.107/2017 on 30-3-2017 by Simga police, District- Baloda Bazar-Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. As per the allegation, applicant Dipesh Kumar Sahu was driving two wheeler bearing registration number CG 06 P 8543 and the applicant Bali Sahu was carrying country liquor 27 bulk liter. Police during investigation seized the motorcycle and the aforementioned country liquor from Bali Sahu only and registered the said matter against both the applicants. Both the applicants are first offender. They

will not commit any offence in future. Both the applicants are remanded under the authority of CJM Baloda Bazar. They may be granted bail during trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of both the applicants and submitted that the police had not noticed any earlier criminal antecedent regarding Dipesh Kumar Sahu, but against Bali Sahu in the year 2016 a preventive proceeding initiated under Section 107, 116 of the Cr.P.C. and also another matter registered against applicant Bali Sahu under Section 294, 506 and 323 of the IPC in the year 2016, it goes to show the conduct of applicant Bali Sahu including his role in the matter. Hence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As both the applicants are in jail since one month and 10 days, charge sheet has not yet been filed, they are remanded under the authority of CJM Baloda Bazar, there is no any criminal antecedent against applicant Dipesh Kumar Sahu and as submitted one preventive proceeding initiated against applicant Bali Sahu and another matter is also registered as aforementioned in the year 2016, though the quantity of liquor from applicant Bali Sahu is on the higher side, but on due consideration, I am inclined to grant one opportunity to both the applicants so that they shall not commit any similar or other offence in future and remain peacefully in society. Consequently, the instant MCRC is hereby allowed. Applicant Dipesh Kumar Sahu is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Baloda Bazar, C.G. for his appearance before the said trial Court as and when directed till trial. Applicant Bali Sahu is directed to be released on bail on his furnishing a personal bond in the sum of Rs.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Baloda Bazar, 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 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