

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2859 of 2017

- Prem Lal S/o Shankar Patel, Aged About 45 Years, R/o Village Khera, Police Station & Chowki Karhi Bazar Tahsil Bhatapara District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Police Station Karhi Bazar Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh

---- Non-applicant

For Applicant – Shri Hemant Gupta, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

05-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.142/17 by P.S. Karhi Bazar, Baloda-Bazar, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 on 08-04-2017. Charge sheet has not yet been filed. The applicant is remanded by the CJM Baloda-Bazar, C.G. Learned counsel for the applicant has submitted certified copy of the Criminal Case No.03/15 judgment dated 07-09-2015 passed by the CJM Baloda-Bazar, C.G. The said certified copy is taken on record and made part of the record. As per the said certified copy, the applicant was acquitted in connection with the trial arises out of the Crime No.526/14. Learned counsel for the applicant would further submit that though he was not in a position to get certified copy of the fate of the matter in connection with Crime No.300/16 under Section 34(2) of the C.G. Excise Act, 1915, but as per the material available in the diary goes to show that police had registered the said matter against the applicant for illicit possession of 8.880 bulk liter country liquor. Learned counsel for the applicant would submit that the applicant will not commit any offence in future and as per the allegation, only 5.40 bulk liter country liquor has been seized. He may be granted an opportunity to remain in 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 earlier two matter registered against the present applicant.

4. Perused the entire material.

5. In connection with Crime No.526/14 the applicant held acquitted, in another matter there is no any submission of fact regarding final outcome in Crime No.300/16, but from perusal of the documents annexed with the case diary, it goes to show the applicant was arrested for illegal possession of 8.880 bulk liter country liquor, though there is earlier criminal antecedent, but as the applicant is in jail since one month and 7 days, charge sheet has not yet been filed, trial may take some time, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any crime and shall remain peacefully in society. Consequently, instant MCRC is 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 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 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)
Vacation Judge