

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2728 of 2017

- Hemant Yadav S/o Bhojram Yadav, Aged About 25 Years, Occupation Job in Petrol Pump, R/o Village Patewa Police Station Patewa Tahsil & District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patewa, District Mahasamund Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

06-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.45/2017 on 07-4-2017 by P.S. Patewa, District Mahasamund, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet against the applicant, which is pending before the CJM Mahasamund, C.G. as Criminal Case No. S-1125/17. Trial may take some time. He may be granted bail during trial. In addition to above, learned counsel for the applicant would submit that he had filed certified copy of the judgment dated 27-02-2015 of Criminal Case No.S-499/2014 in respect of item No.5 surfaced in the order sheet dated 12-05-2017 whereby the trial Court acquitted the applicant by affording benefit of doubt. Learned counsel for the applicant would further supplement that item No.3, 4 and 6 are in relation with preventive proceedings against the applicant and though he is not in a position to submit certified copy of the judgment passed for item No.1 and 2, but as per the material submitted in the case diary in both the cases the applicant held convicted with fine of 1000/-, Rs.1000/- and for remaining item No.7 and 8 it is submitted that both are bailable one. The applicant will not commit any offence in future. He may be given one opportunity and as per the allegation in the present matter, only 13.050 bulk liter country liquor has been seized.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant and also the earlier criminal antecedents against the applicant.
4. Perused the entire material.
5. As the applicant is in jail since two months, charge sheet has been filed, trial may take some time, though the applicant is having criminal antecedent as surfaced in the order sheet dated 12-05-2017, but looking to overall nature of the matter registered against the applicant and other facts, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any crime and shall live peacefully in society. 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 Chief Judicial Magistrate Mahasamund, 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