

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2806 of 2017

- Prahlad Makhija, S/o Parmanand Makhija, aged about 42 years, Occupation – Shop Keeper, R/o Sindhi Colony, P.S. Chakradhar Nagar, Tahsil & District – Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, Police Station Chakradhar Nagar, District – Raigarh (C.G.)

---- Respondent

For applicant	Mr. Vivek Tripathi, Advocate.
For Respondent/State	Mr. Syed Majid Ali, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

05-06-2017

1. Heard the matter finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 09-04-2017 in connection with Crime No.64/2017 registered in Police Station – Chakradhar Nagar, District - Raigarh, C.G. for offence punishable under Section 34(2), 59(A) of the C.G. Excise Act, 1915 (in short 'the Act, 1915').
3. Learned counsel for the applicant would submit that charge sheet has not yet been filed, the applicant is remanded by the CJM Raigarh, District Raigarh, C.G. As per allegation 8.640 liter country made liquor has been seized from the applicant. In addition to above submission, learned counsel for the applicant would submit that as per submission of the Respondent / State total 13 other matters have been registered against the present applicant. Out of the same, items No. 11, 12 and 13 are of the preventive nature, the applicant is not in a position to state the fate of item No.2 and in items No. 1 and 7 the applicant was sentenced with fine of Rs.1,000/- each and in remaining items No. 3, 4, 5, 6, 8, 9, 10, the applicant was acquitted by the trial Court for

which the applicant had filed certified copy of the orders goes to show that he was sentenced for fine in only two cases, he may be granted bail during trial.

4. Per contra, learned counsel for the State/respondent opposed the argument advanced on behalf of the applicant on the basis of involvement in 13 matters registered as per order sheet dated 17.05.2017 and facts in the case diary.
5. Perused the entire matter.
6. On due consideration, in the present case, 8.640 liter country made liquor has been seized from the applicant, the applicant is in jail since 1 month and 26 days, charge sheet has not yet been filed, trial may take some time, though 13 matters have been registered against the applicant, but in 2 matters only he was sentenced to pay fine and in 7 matters applicant was acquitted by the trial Court, 3 matters are in relation to preventive proceedings and in only one case registered under Section 457, 380 of the IPC, which is of the year 2008 applicant is not in a position to state the fate of the said matter and though the criminal antecedents speaks a lot about the earlier criminal antecedents, though in the cloud on account of acquittal in most of the cases and fine in two case, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime in future. 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.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs. 50,000/- each to the satisfaction of the Chief Judicial Magistrate Raigarh, District Raigarh, CG for his appearance before the said trial Court as and when directed till trial.
7. 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.

8. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Chakradhar Nagar, District Raigarh, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against him. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.
9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge