

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2725 of 2017

- Umesh Mahapatro S/o Tankdhar Mahapatro, Aged About 40 Years, R/o Ward No. 2 Mahal Para Saraipali, Thana and Tashil- Saraipali, District- Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Sayed Mazid Ali, 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.107/2017 on 05-4-2017 by P.S. Saraipali, District Mahasamund, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation charge sheet has been filed, which is pending before the CJM Mahasamund, C.G. as Criminal Case No. S-1023/2017. There is no any other criminal antecedent against the present applicant except the matter earlier registered bearing Crime No.348/2016 under Section 34(1)(a) of the Act, 1915 which was a bailable offence; the applicant has been released on bail in the said matter bearing Criminal Case No.489/16 vide order dated 20-12-2016, the charge has been framed for illegal possession of country liquor 3.600 liter. The applicant will not commit any offence in future. Trial may take some time, he may be granted bail. As per the allegation in the present matter, 82.800 bulk liter country/foreign liquor has been seized. He may be granted one opportunity.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the huge quantity

of liquor so seized from the applicant and other earlier criminal antecedent.

4. Perused the entire material.

5. As the applicant in jail since 2 months and 1 day, charge sheet has been filed, trial may take some time, the earlier matter registered was a bailable one, though in the present matter quantity of liquor so seized is on higher side, but on due consideration, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any offence 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.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- 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. 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. Saraipali, District Mahasamund, 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.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge