

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2761 of 2017

1. Ravi @ Raja Saytode S/o Late Laxmi Prasad Saytode, Aged About 23 Years, R/o Village Bhansoj, Police Station Arang, Tehsil Arang, District Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through The Police of Police Station Arang, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Amit Kumar Sahu, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

16-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.118/17 on 10-03-2017 by P.S. Arang, District Raipur, C.G. for the offence under 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicant is remanded by the JMFC Raipur, C.G. The applicant is first offender. This is the first bail application. He will not commit any offence in future. As per the allegation, from the house of the applicant 8.280 bulk liter foreign 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 and would submit that the applicant had earlier involved in Crime No.99/14 under Section 34(1)(a) of the C.G. Excise Act, 1915, it goes to show the conduct of the applicant. Hence, the instant MCRC may be dismissed.
4. Perused the entire material.
5. On due consideration, as the applicant is in jail since two months and 6 days till date, the earlier matter registered against the applicant was in

connection with offence below 5 bulk liter, looking to the quantity of liquor so seized in the present matter and the period of detention and other facts, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and remain 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Raipur, C.G. for his appearance before the said trial Court as and when directed by the trial Court.

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)
JUDGE