

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2751 of 2017

1. Guddu @ Udechand S/o Jeevrakhan Baghel, Aged About 42 Years, R/o Village Latuwa, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through : Station House Officer, Police of Police Station City Kotwali, Baloda Bazar, District - Baloda Bazar -Bhatapara Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

15-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.134/17 on 06-04-2017 by P.S. City Kotwali, Baloda Bazar, District - Baloda Bazar-Bhatapara, 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 CJM Baloda Bazar, C.G. The applicant is first offender. He will not commit any offence in future. Trial may take some time. He may be granted bail till trial. As per the allegation, 6.480 bulk liter country liquor from the applicant.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that earlier Complaint No.171/13 under Section 107, 116 of the Cr.P.C., 41/14 under Section 151, 107, 116 of the Cr.P.C., 105/17 under Section 107, 116 of the Cr.P.C. have been registered against the present applicant. It goes to show his earlier conduct as police initiated three preventive proceedings against the applicant. Hence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in jail since about one month and 10 days, there is no earlier criminal antecedent regarding similar or other offence but for initiation of three preventive proceedings against the applicant, charge sheet has not yet been filed, trial may take some time, and on due consideration of the quantity of liquor so seized, I am inclined to grant one last 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Baloda Bazar, 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