

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2903 of 2017

- Bal Prasad Sahu S/o Jhaduram Sahu, Aged About 48 Years R/o Jhadu, R/o Charoundi, Police Station Malkharouda, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Police Station Malkharouda, District Janjgir Champa, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.57/2017 on 31-3-2017 by P.S. Malkharouda, District Janjgir Champa, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet which is pending before the CJM Janjgir, Distt. Janjgir Champa, C.G. but the learned counsel is not in a position to state the criminal case number of the matter. The applicant will not commit any offence in future. As per the allegation in the present matter, 14.580 bulk liter country liquor/foreign liquor has been seized from the applicant. Earlier four matter have been registered against the applicant as surfaced in the order sheet dated 18-05-2017, all the four were in relation with bailable offences and offences punishable with fine, imprisonment. In all the said matter the applicant is not awarded any jail sentence. In a matter Crime No.77/15 in relation with Section 36(C) of the Act, 1915 the applicant was imposed fine of Rs.2000/-, he deposited the fine amount; in another matter Crime No.216/2008 which was registered as Criminal Case No.978/09 the applicant was acquitted for the charges under Section 34(1)(a) of the Act, 1915 by the JMFC Malkharouda. The applicant may be granted an opportunity to remain in bail during trial in the

present matter.

3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant on the basis of quantity of liquor so seized from the applicant and also earlier four matter have been registered against the applicant, though as per two aforementioned matter the applicant was sentenced to pay fine only and acquitted.

4. Perused the entire material.

5. As the applicant is in custody since 3 months and 4 days, charge sheet has been filed, trial may take some time, though earlier four matter have been registered which goes to show the criminal antecedent of the applicant, but on consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any crime now 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 Janjgir, Distt. Janjgir Champa, C.G. for his appearance before the said Court as and when directed.

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