

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2879 of 2017

- Sanni Banskode S/o Late Chandrika Banskode, Aged About 32 Years, R/o Baigapara, Lakhauli, Tahsil/ District - Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Thana- City Kotwali, District- Rajnandgaon, Chhattisgarh, (Thana Name wrongly mentioned as Shahar Kotwali)

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-06-2017

1. Heard on I.A.No.2/2017 for urgent hearing and I.A.No.3/2017 for hearing during summer vacation.
2. On due consideration, both the interim applications are disposed of.
3. Heard the matter finally.
4. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.210/2017 on 31-03-2017 by P.S. City Kotwali, District- Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is pending before the CJM Rajnandgaon, C.G. as Criminal Case No.1158/17. Trial may take some time. As per allegation, 6.300 bulk liter liquor has been seized. The applicant had never involved in any similar offence, though Crime No. 120/12 has been registered against him under Section 25(1B)(b) of the Arms Act, 1959 for keeping sharp edged weapon of prescribed category, in the said matter police had filed the charge sheet which was registered as Criminal Case No.4565/12 and the JMFC Rajnandgaon, C.G. vide judgment dated 24-06-2016 acquitted the applicant from the charge. With this, no any allegation was duly proved during trial. Learned counsel for the applicant submitted the certified copy of the said judgment which is taken on

record and made part of the record. Learned counsel for the applicant, in addition, submitted that though against the applicant another matter, Crime No.80/15, has been registered under Section 294, 323, 506/34 of the IPC, but, learned counsel is not in a position to state the present status of the said matter. The applicant will not commit any offence in future. He may be granted bail till trial.

5. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of two matter as aforementioned registered against the applicant and quantity of liquor so seized in the present matter.

6. Perused the entire material.

7. As the applicant is in jail since two months and 9 days till date, he had never involved in similar offence, as aforementioned he was ultimately acquitted by the court for the charge under Section 25(1B)(b) of the Arms Act, 1959, though another matter as aforementioned has been registered, on due consideration of the quantity of liquor so seized from the applicant, period of detention and other facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any crime 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Rajnandgaon, C.G. for his appearance before the said Court as and when directed till trial.

8. 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.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge