

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2963 of 2017

- Kamal Kashyap S/o Arjun Kashyap, Aged About 35 Years, R/o Schoolpara Kelaur, Police Station Darbha, Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Darbha, District Bastar, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri UKS Chandel, Panel Lawyer.

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.28/2017 on 07-4-2017 by P.S. Darbha, Jagdalpur, District Bastar, 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 JMFC Jagdalpur, Distt. Bastar, C.G. as Criminal Case No.545/17. As per the allegation, 10.590 bulk liter liquor has been seized from the applicant. He may be granted an opportunity to remain in bail during trial as the trial may take some time. Learned counsel for the applicant would further submit that in a matter Crime No.41/2014 under Section 34(2) of the Act, 1915 registered as Criminal Case No.807/2014 the CJM Bastar at Jagdalpur vide judgment dated 27-06-2014 acquitted the applicant for the charges and in relation with Crime No.43/2011 under Section 36(C) of the Act, 1915, the applicant admitted guilt, the Court below awarded fine sentence which was duly paid before the Court below and in relation with Crime No.25/2017, it is submitted that the same is pending consideration before the JMFC Jagdalpur as Criminal Case No.548/2017, in the said matter being bailable one, the applicant was granted bail by the trial Court itself.
3. Per contra, learned counsel for the State/non-applicant opposed the

argument advanced on behalf of the applicant on the basis of three aforementioned matter registered against the applicant, though in one case the applicant was acquitted and also on the strength of quantity of liquor so seized in the present matter.

4. Perused the entire material.

5. As the applicant is in custody since 2 months and 26 days, charge sheet has been filed, trial may take some time, though also three matter were registered against the applicant, but in one matter the applicant is acquitted and another matter the applicant was sentenced to pay fine only and the third matter is still pending which is bailable one, I am inclined to grant one last 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 two solvent sureties of Rs.20,000/- each to the satisfaction of the Judicial Magistrate First Class Jagdalpur, 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