

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2906 of 2017

- Bhagat Gond S/o Dashrath @ Dasru, Aged About 45 Years, R/o Village Bharchatti, Thana / Tahsil Berla, District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana- Berla, District- Bemetara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Vinod Tekam, 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.112/2017 on 10-4-2017 by P.S. Berla, District- Bemetara, 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 Bemetara, C.G. as Criminal Case No.535/17. As per the allegation, from the applicant 23.220 bulk liter country liquor has been seized. He will not commit any offence in future and as per the facts surfaced in the order sheet dated 06-06-2017 three matter have been registered against the applicant for bailable offences under the Act, 1915; he was not convicted by any Court of Law. He may be granted an opportunity to remain in bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant on the basis of huge quantity of liquor so seized from the applicant and earlier three criminal antecedent though bailable one.
4. Perused the entire material.
5. As the applicant is in custody since 2 months and 23 days, charge sheet has been filed, trial may take some time, though quantity of liquor so seized

from the applicant is on the higher side and earlier on three occasions the applicant is also arrested for offences under the Act, 1915 but as they were bailable one, and looking to the entire facts, 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Bemetara, 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