

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2844 of 2017

- Umashankar S/o Sant Kumar Pradhan, Aged About 28 Years, R/o Village Madhuva, Police Station Akaltara, Tahsil Akaltara, District Janjgir Champa Chhattisgarh (name of district wrongly mention in order)

---- Applicant

Versus

- State of Chhattisgarh Through Incharge Police Station Sipat, District Bilaspur Chhattisgarh

---- Non-applicant

And

MCRC No. 3036 of 2017

- Ajay Kumar S/o Puniram, Aged About 34 Years, R/o Village Madhuva, Police Station- Akaltara, Civil and Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Seepat, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicants – Ms. Seema Singh, Advocate.

For Non-applicant/State – Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-05-2017

1. Heard the matter finally.
2. Since both the MCRC arise out of the same crime number and incident, both are being disposed of by this common order.
3. Learned counsel for both the applicants would submit that the applicants have been arrested in connection with Crime No.64/2017 on 31-3-2017 by P.S. Seepat, District Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet against both the applicants which is pending before the JMFC Bilaspur, C.G., though the learned counsel for the applicants is not in a position to submit the criminal case number. Both the applicants are first offender, they had no any earlier criminal antecedent. Charge sheet has been filed. Trial may take some time.

As per the allegation, the applicants were traveling in motorcycle bearing registration No. CG 11 CA 5371, police during investigation seized 17.460 bulk liter country liquor from applicant Umashankar and seized the motorcycle from applicant Ajay Kumar and filed the charge sheet against both the applicants. They will not commit any offence in future. They may be granted bail as trial may take some time. Learned counsel further submitted that name of District in relation with Umashankar has been wrongly mentioned on a bonafide mistake by learned counsel for the applicant before the Second Additional Sessions Judge, Bilaspur, C.G. in Bail Petition No.440/17, hence, the name of District of applicant Umashankar be read as District Janjgir-Champa, C.G.

4. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants on the basis of the quantity of liquor so seized in the matter transporting by both the accused jointly, though fairly conceded that none of the applicants had any earlier criminal antecedent prior to the incident.

5. Perused the entire material.

6. As both the applicants are in jail since one month and 19 days till date, they had no earlier criminal antecedent, though the quantity of liquor so seized is on higher side, but as the applicant are first offender and as submitted they will not involve themselves in any offence, I am inclined to grant one opportunity to the applicants so that they shall not involve in any crime and shall remain peacefully in society. Consequently, both the MCRC are hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class, Bilaspur, C.G. for their appearance before the said trial Court as and when directed till trial.

7. It is made clear that this order granting bail to the applicants shall stand

cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain 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.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE