

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3149 of 2017

- Santosh Kumar Dinkar S/o Late Rathram Dinkar, Aged About 29 Years, R/o Village Salonikala, Outpost Bhatgaon, Police Station Bilaigarh, District Baloda Bazar - Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post Bhatgaon, Police of Police Station Bilaigarh, District Baloda Bazar - Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

07-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.169/17 by Outpost Bhatgaon, P.S. Bilaigarh, District Baloda Bazar - Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 on 15-04-2017. After investigation police had filed the charge sheet which is pending before the CJM Baloda Bazar as Criminal Case No.397/17. The applicant is first offender. No similar criminal antecedent is reported against the applicant. Trial may take some time, He may be granted bail. He will not commit any offence in future. As per the allegation, 16 bulk liter country liquor has been seized from the applicant.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of quantity of liquor so seized in the matter and also as the applicant was involved in Crime No.382/16 under Section 13 of the Public Gambling Act, 1867 and submitted that it goes to show the criminal antecedent of the applicant. Hence, the instant MCRC may be dismissed.
4. Perused the entire material.

5. On due consideration, as the applicant is in jail since 1 month and 24 days, charge sheet has been filed, trial may take some time, though the quantity of liquor so seized in the matter is on the higher side and another matter in relation with gambling has been registered against the applicant, but on entire consideration of the 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, instant MCRC is 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 Baloda Bazar, C.G. for his appearance before the said trial Court as and when directed till trial.

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)
Vacation Judge