

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3381 of 2017

- Dilip Yadav S/o Indradev Yadav, Aged About 32 Years, R/o Village Rampur, Post & Police Station Chalgali, District Balrampur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chalgali, District Balrampur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Akhtar Hussain, Advocate.

For Non-applicant/State – Shri Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

09-06-2017

1. Heard on I.A.No.1/2017 for urgent hearing of the case and I.A.No.2/2017 for hearing of the case during summer holidays.
2. On due consideration, both the above applications are hereby 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.25/2017 on 16-04-2017 by P.S. Chalgali, Civil District Surguja at Ambikapur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Charge sheet has not yet been filed and the applicant is remanded by the CJM Balrampur, C.G. The applicant is first offender. This is first bail application. As per the allegation, 8.820 bulk liter foreign liquor has been seized from the applicant. The applicant will not commit any offence in future. He may be granted an opportunity to remain in bail during trial.
5. 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 from the applicant and also as Crime No. 20/13 under Section 34(1) (a) of the Act, 1915 has been registered against the applicant and submitted

that it goes to show the earlier criminal antecedent of the applicant. Hence, the instant MCRC may be dismissed.

6. Perused the entire material.

7. As the applicant is in custody since one month and 25 days, charge sheet has not yet been filed, trial will take some time, though earlier another matter has been registered against the applicant, but as the same was a bailable one, and looking to the period of detention and the quantity of liquor so seized in the present matter, 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Balrampur, 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