

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3256 of 2017

- Rajkumar Dhruv S/o. Shri Ramji Dhruv, Aged About 24 Years, By Caste Gond, R/o. Village Jhalap, Thana Patewa, Civil & Revenue Distt. Mahasamund (Chhattisgarh)

---- Applicant

Versus

- The State Of Chhattisgarh Through the Station House Officer, Police Station Patewa, Distt. Mahasamund (Chhattisgarh)

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

23-06-2017

1. Heard on I.A.No.3/2017 for urgent hearing.
2. On due consideration, the same is 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.50/2017 on 13-4-2017 by P.S. Patewa, Distt. Mahasamund, 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 Mahasamund, C.G. as Criminal Case No.S 913/17. Learned counsel for the applicant would further submit that as shown in earlier matter registered against the applicant in the order sheet dated 08-04-2017 for item No.3 the applicant is sentenced to pay fine of Rs.5000/- in offence under Section 36(C) of the Act, 1915 and the said matter was disposed of. Item No.2 is in regard with preventive proceedings against the applicant and regarding Item No.1 the applicant is in bail. In the present matter, as per the allegation, 15.840 bulk liter country liquor has been seized from the applicant. The applicant will not commit any offence in future. Trial may take some time. He may be granted bail during trial.
5. Per contra, learned counsel for the State/non-applicant opposed the

argument advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant and submitted that earlier three matters as aforementioned go to show the criminal antecedent of the applicant.

6. Perused the entire material.

7. As the applicant is in custody since 2 months and 10 days, charge sheet has been filed, though earlier three matters were registered against the applicant, out of them one matter is disposed of by awarding fine sentence to the applicant, another matter was in relation with preventive proceedings and in one matter the applicant was granted bail and the same is pending, though quantity of liquor so seized from the applicant is on the higher side, but on consideration of 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Mahasamund, C.G. for his appearance before the said Court as and when directed.

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)
JUDGE