

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3248 of 2017

- Malik Ram Netam S/o Shri Jayhind Netam, Aged About 19 Years, R/o Village Khouna, Police Chouki Silyari, Police Station Dharsinva, Raipur, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through District Magistrate Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikram Singh, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.97/2017 on 21-03-2017 by P.S. Dharsinva, District Raipur, 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 JMFC Raipur, C.G. as Criminal Case No.3438/17. The applicant is first offender, aged about 20 years. He will not commit any offence in future. As per allegation, from possession of the applicant 5.940 bulk liter country liquor has been seized along with motorcycle bearing registration No. CG 04 KS 9866. Learned counsel for the applicant would further submit that earlier Crime No.436/16 has been registered against the applicant under Section 34(1)(a) of the Act, 1915, but the same was bailable. He may be granted one last opportunity to remain in bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that aforementioned another matter though bailable one has been registered against the applicant it goes to show the earlier criminal antecedent of the applicant.
4. Perused the entire material.

5. On due consideration, as the applicant is aged about 20 years, earlier matter registered was bailable one, he is in jail since 2 months and 19 days, charge sheet has been filed, trial may take some time, 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Raipur, 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