

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3803 of 2017

Mishri Lal Pardhi S/o Bisahu Pardhi, Aged About 35 Years R/o
Ghatiyakhurd, Police Station Nandani Nagar, District Durg, CG

---- Applicant

Versus

State Of Chhattisgarh through Station House Officer, Police Station
Dhamdha, District Durg, Chhattisgarh

---- Respondent

For applicant
For State

Mr. Jitendra Shukla, Adv.
Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

06-07-2017

1. Heard the matter finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 17-4-2017 in connection with Crime No. 72/2017 registered in PS Dhamdha, Distt. Durg for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC Durg as Cr. Case No. 3786/2017. This is his first bail application before this Court. He is first offender. As per allegation, 10.260 bulk litre foreign liquor has been seized from the conscious possession of the applicant without any licence or permission along with a four wheeler bearing registration No. CG 07 PE 1674. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.
4. Learned counsel for the applicant further submits that earlier the applicant was arrested in connection with crime No. 37/14 under Section 34 Sub-Section (2) of the Excise Act, 1915 for keeping in his possession

14.980 bulk liter illicit country liquor. In the said matter, the coordinate Bench vide order dated 24.11.2014 in M.Cr.C. No. 5946/2014 granted bail but the learned counsel for the applicant has no knowledge if the trial is concluded or still pending. He may be granted one opportunity.

5. Per contra, learned counsel for the non-applicant/State opposes the argument advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant and also on the basis of earlier involvement in similar offence.
6. Perused the entire material.
7. As the applicant is in jail since 2 months and 20 day, charge sheet has been filed, trial may take some time, though earlier the applicant was involved in similar offence and there is nothing to demonstrate what was the fate of said matter, but in view of the submission that he will not commit any offence in future and other facts, I am inclined to grant last opportunity to the applicant to 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class, Durg, 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. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Dhamda, District Durg, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against him. If the applicant fails to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.
10. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge