

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3980 of 2017

- Bahal Singh S/o Aktu, Aged About 65 Years, Caste- Gond, R/o Khara, Police Station- Rengakhar, Tahsil- Bodla, Civil and Revenue District- Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Rengakhar, District- Kabirdham, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

25-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.15/2017 on 17-05-2017 by P.S. Rengakhar, District- Kabirdham, 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 Kabirdham, C.G. as Criminal Case No.563/17. As per the allegation, police had seized from the joint possession of the applicant and co-accused Ishwar Sahu 8 bulk liter hand-made country liquor and one unnumbered motorcycle. Co-accused Ishwar Sahu was granted bail in MCRC No.3968/2017 on 17-07-2017 by the High Court. The applicant will not commit any offence in future. Trial may take some time. He may be enlarged on bail till trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the quantity of liquor seized from the applicant and earlier Crime No. 29/16 under Section 34(1)(a) of the Act, 1915 has been registered against the applicant.
4. Perused the entire material.
5. As the applicant is in custody for since two months 8 days till date,

charge sheet has been filed, trial may take some time, the co-accused was granted bail and the case of the present applicant is similar to the case of that co-accused, though earlier a matter has been registered against the applicant, but the same was bailable in nature, on due consideration, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the CJM Kabirdham, C.G. for his appearance before the said 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)
Judge