

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4089 of 2017

- Sanjay Vishwas @ Setthi S/o Late Shri Shankar Viswas, Aged About 33 Years, R/o Station Road, Narmadapara, Raipur, Police Station- Ganj, Tahsil and District Raipur, Chhattisgarh, Mobile No.8349465325

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ganj, Tahsil and District Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Y.C.Sharma, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

21-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.193/2017 on 17-5-2017 by P.S. Ganj, District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation charge sheet has been filed, which is pending before the JMFC Raipur, C.G. as Criminal Case No. 4084/2017. Learned counsel for the applicant would also submit that the applicant had never involved earlier with the similar offence. He will not commit any offence in future and as per the allegation, 5.940 bulk liter country liquor has been seized from the applicant. Learned counsel for the applicant would further submit that earlier following matters have been registered against the applicant:-

Sl. No.	Crime No.	Section
01.	227/15	under Section 294, 323, 324, 34 of the IPC and Section 25 of the Arms Act, 1959
02.	77/16	under Section 506, 327 of the IPC
03.	711/17	under Section 3, 4 of the Public Gambling Act 1867.

It is submitted on behalf of the applicant that the applicant is on bail in all the above three matters. The matters are not yet finally disposed of. The

applicant has not been convicted by any criminal Court. He may be granted an opportunity to remain in bail during trial in the present matter.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the aforementioned matters registered against the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 2 months and 4 day, charge sheet has been filed, trial may take some time, and upon consideration of the quantity of liquor so seized and also the facts as submitted that the applicant is enlarged on bail in above three matters and the matters are pending, the applicant is not a convict of any of the criminal Court, 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.40,000/- 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 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. 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. Ganj, District Raipur, C.G. in 1st

and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the said criminal case against him. If the applicant failed 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.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge