

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4053 of 2017**

- Krishna Kumar Kenwat, S/o Teejram Kenwat, Aged About 37 Years, Caste Kenwat, R/o Village- Jongara, Tahsil And Police Station -Sakti, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate/ Station House Officer, Police Station- Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Shri Dharmesh Srivastava, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.09.2017**

During arguments, learned counsel for the applicant submitted the certified copy of the judgement dated 26/08/2016 passed by Chief Judicial Magistrate, Janjgir, Distt. Janjgir-Champa (C.G.) in Criminal Case No.245/16 whereby the applicant acquitted for the offence under Section 34(2) of the Chhattisgarh Excise Act, 1915. The said certified copy is taken on record and made part of the record.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.134/17 on 13/05/2017, Police Station Sakti Janjgir, Distt. Janjgir-Champa, (C.G.) for the offence under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant would submit that police had filed which is presently pending before the Chief Judicial Magistrate Janjgir, Janjgir-Champa (C.G.) as Criminal Case No.236/17, applicant is the first offender and never convicted by any Criminal Court. As per allegation, from the applicant 15 bulk litre handmade country liquor has been seized. Learned counsel for the applicant would and also he will not commit any offence in future, he may be granted bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant, on the basis of quantity of liquor so seized and also the earlier Criminal Crime No.275/15 under Section 34(2) of the Chhattisgarh Excise Act, 1915 has been registered against the applicant.

5. Perused the entire matter.

6. As the applicant is in custody since 4 months and 6 days till date, charge-sheet has been filed, trial may take some time, though earlier a matter as aforementioned has been registered against the applicant. But after trial he was acquitted for the said charges with this he had no criminal antecedent, on due consideration, I am inclined to grant an opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, the instant MCRC is allowed.

8. 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 like some amount to the satisfaction of Chief

Judicial Magistrate, Janjgir, Distt. Janjgir-Champa (C.G.) for his appearance before the said Court regularly as and when directed by the said Court.

9. 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 applicants does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (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.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge