

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4293 of 2017

- Pratap Singh Gond S/o Late Budhau, Aged About 50 Years, R/o Village Mohanpur, Kenwatpara, Police Station Darima, Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Darima, District Surguja, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ajay Kumar Pandey, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

31-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.48/2017 on 12-04-2017 by Police Station Darima, District Surguja, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is pending before the JMFC Ambikapur, District Surguja, C.G. as Criminal Case No.712/2017. Learned counsel for the applicant would further submit that the applicant is first offender. He will not commit any offence in future and as per the allegation, 7.500 bulk liter hand-made country liquor has been seized from the applicant. Trial may take some time. The applicant may be granted 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 quantity of liquor so seized and also as Crime No.4/16 under Section 294, 506 Part II, 323, 34 of the IPC has been registered against the applicant prior to the incident.
4. Perused the entire material.
5. As the applicant is in custody since 3 months and 19 days till date, charge sheet has been filed, trial may take some time, though earlier one

matter has been registered against the applicant, but 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 Ambikapur, District Surguja, 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