

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4315 of 2017

- Ravi Dewangan S/o Shri Mangal Dewangan, Aged About 30 Years, R/o Gandhi Chowk, Achholi Urla, Police Station Urla, Civil & Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Urla, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Purnendra Khichariya, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.140/2017 on 07-6-2017 by P.S. Urla Distt. Raipur, 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 Raipur, C.G. as Criminal Case No.140/2017. Learned counsel for the applicant would further submit that the applicant is first offender. He will not commit any offence in future. He may be granted bail during trial and as per the allegation, from the applicant 7.920 bulk liter country liquor has been seized along with sell proceeds Rs.1960/-.
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 the following matters have been registered against the applicant:-

Sl.No.	Crime No./Complaint No.	Section
01.	Crime No. 193/16	4A of the Public Gambling Act, 1867
02.	Complaint No. 221/232/16	151, 107, 116 of the Cr.P.C.

4. Perused the entire material.

5. As the applicant is in custody since 2 months and 11 days, charge sheet has been filed, trial may take some time, the applicant was never involved with the similar offence, on consideration of the entire facts, 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.30,000/- with one solvent surety of 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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge