

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4302 of 2017

- Santosh Singh S/o Bihari Lal, Aged About 35 Years, R/o Village Chouchhada Bouridand, Police Station and Tahsil Manendragarh, District Korea Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Manendragarh, Civil and Revenue District Korea Chhattisgarh

---- Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri Anant Bajpai, 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.169/2017 on 27-05-2017 by Police Station Manendragarh, District Korea, 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 Manendragarh, District Korea, C.G. as Criminal Case No.314/17. Learned counsel for the applicant would further submit that the applicant is first offender, he had never involved in similar offence prior to the incident. As per the allegation, 32.250 bulk liter foreign liquor has been seized from the applicant along with two-wheeler Activa without any registration number exhibited. Trial may take some time. The applicant will not commit any offence in future. He 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 prior to the incident following matters have been registered against the applicant:-

Sl.No.	Crime No.	Section
01.	455/10	13 of the Public Gambling Act, 1867
02.	420/16	13 of the Public Gambling Act, 1867

4. Perused the entire material.

5. As the applicant is in custody since 2 months and 4 days till date, charge sheet has been filed, trial may take some time, though the quantity of liquor so seized from the applicant is on higher side and also the applicant was involved in two aforementioned matters, upon 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Manendragarh, District Korea, 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. Manendragarh, District Korea, 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. The applicant is directed to submit papers in relation with registration of said two-wheeler if available with him.
10. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge