

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4557 of 2017

- Narsingh Gond S/o Dharam Gond, Aged About 30 Years, R/o Baloda, Sabariya Dera, Tundri, Police Station Gidhouri (Tundri), District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Gidhouri, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.119/17 on 28-6-2017 by P.S. Gidhouri, District Baloda Bazar-Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Learned counsel for the applicant would further submit that charge sheet has not yet been filed; the applicant is remanded by the CJM Baloda Bazar, Distt. Baloda Bazar-Bhatapara, C.G. The applicant is first offender. He was never involved in any of the similar crime earlier. He will not commit any offence in future and as per the allegation, from the applicant 34 bulk liter country liquor has been seized. He may be given an opportunity to remain in bail during 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 from the applicant and also as in the year 2013 one matter under the preventive proceedings, i.e., Section 107, 116(3) of the Cr.P.C. and another matter under Section 294, 323, 506, 34 of the IPC has been registered against the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 13 days till date, charge sheet has not yet been filed, trial may take some time, also as the applicant was never involved in the similar crime, though earlier as aforementioned one matter under preventive proceedings and another matter under other penal offence has been registered and the quantity of liquor so seized is on the higher side, but on consideration of the entire facts and as the applicant submitted that he will not repeat any offence in future, I am inclined to grant one last 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.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- each to the satisfaction of the Chief Judicial Magistrate Baloda Bazar, 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. Gidhouri, District Baloda Bazar-Bhatapara, 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