

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4686 of 2017

- Gulab Ansari S/o Late Ishaq Ansari, Aged About 35 Years, R/o Tilda, Post Office & Police Station Tilda-Nevra, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Suhela Distict- Balodabazar-Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

17-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.36/2017 on 20-6-2017 by P.S. Suhela Distict- Baloda Bazar-Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 and Section 146, 196 of the Motor Vehicles Act, 1988. After investigation police had filed the charge sheet against total 4 accused persons including the present applicant, Nanki @ Dileep Kumar Mandle, Ishwar Ratre, Santkumar Mahilange, which is pending before the CJM Baloda Bazar, C.G. as Criminal Case No. 316/2017. Learned counsel for the applicant would further submit that the other co-accused persons have been granted bail in MCRC No.2445/2017 vide order dated 26-05-2017 by the Vacation Judge and MCRC No.3736/2017 vide order dated 19-07-2017 by this Court. The applicant is registered owner of the Scooty CG 04 MH 4329 allegedly used by the other co-accused to transport 10.440 bulk liter country liquor illegally. As the said liquor was not seized from the possession of the applicant, the main accused have been granted bail as aforementioned, trial may take some time and looking to the entire facts, the applicant may be enlarged on bail.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that prior to the incident following matters have been registered against the applicant:-

Sl.No.	Crime No.	Section
01.	60/09	294, 506, 323, 34 of the IPC
02.	85/17	34(1)(a) of the C.G. Excise Act, 1915
03.	101/09	4 of the Public Gambling Act 1867
04.	161/10	36(C) of the C.G. Excise Act, 1915
05.	101/15	3, 4A of the Public Gambling Act 1867

4. Perused the entire material.

5. Looking to the facts that the applicant is in custody since 1 month and 27 days till date, charge sheet has been filed, all the other co-accused have been granted bail, the applicant is registered owner of the said scooty, no any liquor has been seized from the actual possession of the present applicant, though the certificate of registration of the said scooty has been seized from the applicant and as aforementioned the matters have been registered against the applicant, but looking to the nature and other aspects of the facts surfaced, I am inclined to grant one 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Baloda Bazar, C.G. for his appearance before the said trial 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