

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4606 of 2017

- Vikas Mandal S/o Surendra Mandal, Aged About 55 Years, R/o Bayasi Colony, Dharamjaigarh, Tehsil & Police Station Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Officer In Charge, Police Station Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Mahendra Dubey, Advocate.

For Non-applicant/State – Shri Wasim Miyan, 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.163/2017 on 14-6-2017 by P.S. Dharamjaigarh, District Raigarh, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet which is pending before the CJM Raigarh, C.G. as Criminal Case No.496/17. 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, from the applicant 6 bulk liter hand made country liquor has been seized. Trial may take some time. 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 and would submit that earlier Crime No.126/2016 under Section 34(1)(a) of the Act, 1915 has been registered against the applicant.
4. Perused the entire material.
5. As the applicant is in custody since 1 month and 27 days till date,

charge sheet has been filed, trial may take some time, though earlier one matter was registered against the applicant, but as the same was bailable one and looking to the period of detention and the quantity seized in the present matter, 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Raigarh, 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