

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4587 of 2017

- Ramesh S/o Manharan Yadav, Aged About 30 Years, R/o Village & Post-Dargaon, Police Station - Dhamdha, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer Police Station Berla, District- Bemetara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri P.P. Sahu, Advocate.

For Non-applicant/State – Shri Vinod Tekam, 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.152/17 on 27-5-2017 by P.S. Berla, District Bemetara C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Learned counsel for the applicant would further submit that after investigation police had filed the charge sheet which is pending before the CJM Bemetara, C.G. as Criminal Case No.858/17. The applicant will not commit any offence in future and as per the allegation, from the applicant 6.660 bulk liter country liquor has been seized along with motorcycle No. CG 07 AZ 4963. Learned counsel for the applicant also submitted that earlier Crime No.22/16 under Section 34(2) of the Act, 1915 has been registered against the applicant, the said matter was for illegal possession of 18 bulk liter of liquor. The said matter is pending. The applicant is not convicted by any criminal Court. 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 aforementioned matter registered against the applicant for the similar offence.
4. Perused the entire material.

5. As the applicant is in custody since 2 months and 14 days till date, charge sheet has been filed, trial may take some time, though earlier one matter for the similar offence has been registered against the applicant, but as per submission the matter is pending and the applicant is not a convict, upon consideration of the entire facts including the quantity of liquor so seized in the present matter and the period of detention, 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Bemetara, 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. Berla, District Bemetara 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