

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4732 of 2017

- Lain Das S/o Late Thanwar Das, Aged About 50 Years, Caste Satnami, R/o Village Rasedi, Police Station City Kotwali, Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Excise Circle, Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Raghavendra Pradhan, Advocate.

For Non-applicant/State – Shri U.K.S.Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.47/17 on 24-6-2017 by investigating agency Excise Circle, Balodabazar, Distt. Balodabazar-Bhatapara, 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 Balodabazar, C.G. as Criminal Case No.499/17. Learned counsel for the applicant would further submit that as the charge sheet has been filed, trial may take some time, the applicant will not commit any offence in future, he may be granted bail till trial. As per the allegation, 5.400 bulk liter country liquor has been seized. Learned counsel for the applicant would also submit that though earlier following matters have been registered against the applicant:-

Sl.No.	Crime No.	Section
01.	210/11	36(C) of the Act, 1915
02.	504/12	294, 506, 323 of the IPC
03.	5/16	Section 41(1)(d) of the Cr.P.C./Section 379 of the IPC

but the first matter was bailable one, in the second matter the applicant was granted bail, he has not been convicted by any criminal Court, and for the third matter it is submitted that it was in relation with one tyre of four wheeler including the disk and one iron rod of 10 kg. weight for which at the moment the applicant failed to furnish documents regarding ownership of the said material and the said matter is pending before the Court below. He may be granted one 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 and would submit that looking to the earlier criminal antecedent of the applicant, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 24 days till date, charge sheet has been filed, trial may take some time, though earlier about 6 years ago the applicant was involved in a bailable offence in relation with excise and also two more matters were registered against the applicant, but upon consideration of the entire facts, 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Balodabazar, 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 In-charge of Excise Circle Balodabazar, C.G./IO, as the case may be, 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