

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4746 of 2017

- Beersingh Sahu S/o Shobharam Sahu, Aged About 25 Years, R/o Village Raseda, Police Station and Tahsil Baloda Bazar, Civil and Revenue District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station City Kotwali, District- Baloda Bazar Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Anant Bajpai, 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.225/2017 on 24-6-2017 by P.S. City Kotwali, District- Baloda Bazar-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 Baloda Bazar as Criminal Case No.535/17. Learned counsel for the applicant would further submit that the applicant is first offender, he had no earlier criminal antecedent and as per the allegation, 5.400 bulk liter country liquor has been seized from the applicant. He will not commit any offence in future. He may be granted 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 and also submitted that earlier Crime No.118/17 under Section 34(1)(a) of the Act, 1915 has been registered. Hence, looking to the earlier criminal antecedent, the instant MCRC may be dismissed.
4. Perused the entire material.
5. As the applicant is in custody since 1 month and 23 days till date,

charge sheet has been filed, trial may take some time, though earlier a matter was registered against the applicant, but as the same was bailable one, after 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.25,000/- 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 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