

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4800 of 2017

- Mantram Sen S/o Ramkishun Sen, Aged About 50 Years, R/o Kurud, Police Station Arang, Tahsil & District Raipur, Chhattisgarh.
- Ramchand Yadav S/o Shivchand Yadav, Aged About 45 Years, R/o Kutera, Police Station Arang, Tahsil & District Raipur, Chhattisgarh.
- Ashok Satnami S/o Umrao Satnami, Aged About 42 Years, R/o Kutera, Police Station Arang, Tahsil & District Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Arang, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.R.Sahu, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

21-08-2017

1. At the outset, learned counsel for applicant No.3–Ashok Satnami would submit that as instructed he may be permitted to withdraw the instant MCRC for applicant No.3 as he intends to file fresh MCRC after examining the facts regarding earlier criminal antecedent also.
2. As submitted, the MCRC is disposed of as withdrawn for applicant No.3 without any appreciation on merits regarding applicant No.3.
3. Heard the matter finally on behalf of applicant No.1–Mantram Sen and applicant No.2–Ramchand Yadav.
4. Learned counsel for applicant No.1 and applicant No.2 would submit that the applicants held arrested in connection with Crime No.287/2017 on 03-7-2017 by P.S. Arang, District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet against total three accused persons which is pending before the JMFC Raipur, C.G. as Criminal Case No.5365/17. Learned counsel for applicant No.1 and applicant No.2 would further submit that they are first offender and as per

allegation, applicant No.1 and applicant No.2 and co-accused Ashok Satnami were in a motorcycle No. CG 04 LB 7262 and applicant No.3 was carrying 5.400 bulk liter foreign liquor. On account of conscious possession of all the three accused, police filed the charge sheet against the three accused, though technically liquor has not been seized from applicant No.1 and applicant No.2. They will not commit any offence in future. They may be granted bail during trial.

5. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of applicant No.1 and applicant No.2, though fairly conceded that there is no any earlier criminal antecedent of applicant No.1 and applicant No.2.

6. Perused the entire material.

7. As applicant No.1 and applicant No.2 are in custody since 1 month and 18 days till date, charge sheet has been filed, trial may take some time, there is no any criminal antecedent of applicant No.1 and applicant No.2, on consideration of the entire facts, I am inclined to grant one opportunity to applicant No.1 and applicant No.2 so that they shall not involve themselves in any offence and shall live peacefully in society. Consequently, the instant MCRC in relation with applicant No.1 and applicant No.2 is hereby allowed. Applicant No.1 Mantram Sen and applicant No.2 Ramchand Yadav are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Raipur, C.G. for their appearance before the said Court as and when directed till trial.

8. It is made clear that this order granting bail to Applicant No.1 Mantram Sen and applicant No.2 Ramchand Yadav shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that they suppressed filing or pendency of any other application for grant of bail

before this Court or the Hon'ble Apex Court intentionally; (ii) they do not cooperate in the trial; (iii) they are found to be involved in any offence of the like nature; and (iv) the trial Court finds that they remain 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.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge