

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4855 of 2017

- Shabbir Mohammad @ Guddu Pathan S/o Late Hamid Khan, Aged About 23 Years, R/o Gadhpura Barsur, Police Station Barsur, District Dakshin Bastar, Dantewada, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Barsur, District Dantewada, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikas A. Shrivastava, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

21-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.17/2017 on 10-7-2017 by P.S. Barsur, District South Bastar Dantewada C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Charge sheet has not yet been filed, the applicant is remanded by the CJM Dantewada, C.G. It is submitted on behalf of the applicant that the applicant will not commit any offence in future and as per the allegation, total 9.100 bulk liter foreign liquor has been seized from the applicant. He is aged about 23 years. 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 on the basis of the quantity of liquor so seized and also as earlier Crime No. 11/17 under Section 36(C) of the Act, 1915 has been registered and also against servant and family members of the applicant who is running Dhaba other matters of similar offence have been registered.

4. Perused the entire material.

5. As the applicant is in custody since 1 months and 11 days till date, charge sheet has not yet been filed, though another matter of similar offence bailable one is also registered against the applicant and also there are allegation against the servant, family members of the applicant, but on consideration of the entire facts, also as trial may take some time, the applicant is aged about 23 years, 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate South Bastar Dantewada, 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 till conclusion of the trial the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Barsur, District South Bastar Dantewada, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp. 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