

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4893 of 2017

1. Pappu Dahariya S/o Late Shri Chandru Dahariya, Aged About 23 Years, R/o Lalbahadur Shashtri Ward, Bhatapara, Police Station Bhatapara (City), Revenue and Civil District Baloda Bazar-Bhatapara Chhattisgarh.
2. Mithun Mahilange, S/o Fagua Mahilange, Aged About 19 Years, R/o Lalbahadur Shashtri Ward, Bhatapara, Police Station Bhatapara (City), Revenue and Civil District Baloda Bazar-Bhatapara Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara (City), Revenue and Civil District Baloda Bazar-Bhatapara Chhattisgarh.

---- Non-applicant

For Applicants – Shri A.P. Sharma, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

22-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.212/2017 on 05-7-2017 by P.S. Bhatapara (City), Revenue and Civil 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 charge sheet against both the applicants, which is pending before the CJM Baloda Bazar, C.G. as Criminal Case No.582/2017. The applicants will not commit any offence in future, they may be granted bail till trial and as per the allegation, from applicant No.1 Pappu Dahariya 5.330 bulk liter liquor has been seized and from applicant No.2 Mithun Mahilange Rs.250/- of the sale proceeds has been seized. Applicant No.1 is aged about 23 years, applicant No.2 is aged about 19 years. They may be granted bail during trial as the trial may take some time.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and would submit that earlier against applicant No.1 following matters have been registered :-

Sl.No.	Crime No.	Section
01.	Crime No.305/14	36(C) of the Act, 1915
02.	Crime No.40/17	36(C) of the Act, 1915

Hence, looking to the entire criminal antecedent, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicants are aged about 23 and 19 years, they are in custody since 1 month and 17 days till date, charge sheet has been filed, trial may take some time, though against applicant No.1 two aforementioned matters have been registered, but they are bailable in nature, and also on consideration of the entire matter, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicants 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 Chief Judicial Magistrate Baloda Bazar, C.G. for their appearance before the said Court as and when directed till trial.

6. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants 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.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge