

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4891 of 2017

- Shanker Das Manikpuri S/o Late Udaldas Manikpuri, Aged About 40 Years, R/o Village Kayabandha, Police Station Mandir Hasaud, Tahsil Arang, District Raipur, Chhattisgarh. Mo. 9893911923

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station Mandir Hasaud, District Raipur, Chhattisgarh.

---- Non-applicant

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

For Non-applicant/State – Shri Wasim Miyan, 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 applicant would submit that the applicant held arrested in connection with Crime No.186/17 on 29-6-2017 by P.S. Mandir Hasaud, District Raipur, 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 JMFC Raipur. The applicant will not commit any offence in future, he may be granted one opportunity to remain in bail during trial. As per the allegation, from the applicant 6.120 bulk liter country liquor has been seized.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that earlier following matters have been registered against the applicant :-

Sl.No.	Crime No./Complaint No.	Section
01.	Crime No.138/17	34(1)(a) of the Act, 1915
02.	Complaint No.96/15	107, 116(3) of the Cr.P.C.
03.	Complaint No.40/17	151 of the Cr.P.C.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 26 days till date, charge sheet has not yet been filed, the applicant is remanded by the JMFC Raipur, though earlier two matters under the preventive proceedings have been initiated and one matter of similar offence though bailable one has been registered, but after consideration of the entire facts, I am inclined to grant one last 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 Judicial Magistrate First Class Raipur, 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