

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5042 of 2017

- Dhamendra Pratap Singh Rajput S/o Late Shri Prem Prakash Singh Rajput, Aged About 45 Years, R/o Ward No.14, Shersingh Mandavi Gali, Gali No.03, Gauri Nagar, Rajnandgaon, Tehsil and District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Aditya Tiwari, Advocate.
For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

28-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No379/2017 on 18-07-2017 by P.S. City Kotwali, Rajnandgaon, District Rajnandgaon, Chhattisgarh 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 Rajnandgaon. Learned counsel for the applicant would further submit that the applicant is first offender, the applicant will not commit any offence in future and as per the allegation, from the applicant 5.400 bulk liter foreign liquor has been seized. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that following matters have been registered against the applicant prior to the incident:-

Sl.No.	Crime No./Complaint No.	Section
01.	Crime No.661/12	34(1)(a) of the Act, 1915
02.	Complaint No.117/17	151, 107, 116(3) of the Cr.P.C.
03.	Complaint No.767/12	107, 116(3) of the Cr.P.C.

Hence, it is submitted that the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 10 days till date, charge sheet has yet not been filed, trial may take some time, though against the applicant aforementioned matters have been registered, but out of them two were in relation with preventive proceedings they automatically stopped after statutory period of 6 months and in one matter the matter 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 Rajnandgaon, 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