

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5122 of 2017

- Karamjeet S/o Kalyan, Aged About 35 Years, Caste Gond, Resident of Village Korandha, Police Station Bhatgaon, Tahsil Pratappur, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatgaon, District Surajpur Chhattisgarh.

---- Non-applicant

For Applicant – Shri Rahul Mishra, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

29-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No137/2017 on 12-07-2017 by P.S. Bhatgaon, District Surajpur, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet, which is pending before the CJM Surajpur as Criminal Case No.2160/17. 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 9 bulk liter hand made country 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 submitted that earlier following matters have been registered against the applicant:-

Sl.No.	Crime No./Complaint No.	Section
01.	Crime No.126/17	31(1)(a) of the Act, 1915
02.	Complaint No.926/17	107, 116(3) of the Cr.P.C.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 17 days till date, charge sheet has been filed, trial may take some time, though earlier against the applicant a similar offence bailable one has been registered and one proceeding of preventive nature has been initiated, 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Surajpur, 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