

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5138 of 2017

- Maksudan alias Chhotu Singh S/o Late Ramdahin Singh, Aged About 28 Years, Caste Rajput, R/o Patewa, Thana Patewa, Tehsil and District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patewa, District Mahasamund Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

04-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No113/2017 on 27-07-2017 by P.S. Patewa, District Mahasamund, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). The matter is under investigation, charge sheet has not been filed yet, the applicant is remanded by the CJM Mahasamund. It is submitted that the applicant will not commit any offence in future and as per the allegation, from the applicant 6.120 bulk liter foreign liquor and country liquor has been seized. He may be granted one opportunity to remain in 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 prior to the incident:-

Sl.No.	Crime No./Complaint	Section
01.	Crime No.208/06	34(1)(a) of the Act, 1915
02.	Crime No.160/11	36(C) of the Act, 1915

03.	Crime No.37/13	34(1)(a) of the Act, 1915
04.	Crime No.156/14	34(1)(a) of the Act, 1915
05.	Date of complaint 01-09-2014	110 of the Cr.P.C.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 7 days till date, charge sheet has not been filed yet, though earlier against the applicant aforementioned 5 matters have been registered, but out of them four were in relation with bailable offence and one matter was for preventive proceedings, 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Mahasamund, 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. Patewa, District Mahasamund, 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