

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5241 of 2017

- Shyam Safi S/o Palak Safi, R/o 36/01, P. G. M. Shah Road, Kolkatta- 95, Police Station Jadavpur, District Kolkatta, West Bengal, Mo. No.- 07003131402 .

---- Applicant

Versus

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

---- Non-applicant

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

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

30-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No280/2017 on 29-07-2017 by P.S. Ganj Raipur, District- Raipur, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation charge sheet been filed, which is presently pending before the JMFC Raipur, C.G. as Criminal Case No.6203/2017. Police had filed supplementary charge sheet against co-accused Santosh Yadav, Juvenile, before the Juvenile Justice Board Raipur. Learned counsel for the applicant would further submit that the applicant is first offender and as per the allegation, from the applicant 20 bulk liter foreign liquor has been seized. He 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 applicant on the basis of quantity of liquor so seized and also submitted that as the applicant is resident of P.S. Jadavpur, Distt. Kolkatta, West Bengal, hence, for the moment, criminal antecedent is not

available and also if the bail is granted, the applicant may abscond.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 1 day till date, trial may take some time, though the applicant is resident of West Bengal, but with the said fact that may not be reason to deny the bail as till date no any criminal antecedent is reported by the concerned police, on 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.1,00,000/- (Rs. One Lac) with two local solvent sureties of Rs.50,000/- each 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. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Ganj, District Raipur, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the said criminal case against him. 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