

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5268 of 2017

- Sadanand Baghel S/o Sukhlal Baghel, Aged About 27 Years, Caste Mahara, R/o Village Bagichapara, Sukma, Tahsil Sukama, District Sukama, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sukama, District Sukama, Chhattisgarh

---- Non-applicant

For Applicant – Shri Praveen K. Dhurandhar, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

31-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.53/2017 on 13-07-2017 by P.S. Sukama, Civil District South Bastar Dantewada, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation charge sheet been filed, which is pending before the CJM Sukama as Criminal Case No.244/17. Learned counsel for the applicant would further submit that the applicant is first offender, he will not commit any offence in future and as per the allegation, from the applicant 27 bulk liter hand made country liquor has been seized. Trial may take some time. The applicant may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State would submit that as per material in the case diary, Crime No.76/13 under Section 34 of the Act, 1915 has been registered against the applicant. Hence, looking to the quantity of liquor so seized from the applicant and earlier criminal antecedent, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 18 days till date, charge sheet has been filed, trial may take some time, though earlier one matter has been registered against the applicant, but as there is no specific facts whether the matter registered was under sub-section 1 or sub-section 2 of Section 34 of the Act, 1915, it is difficult to appreciate whether the earlier matter was non-bailable or 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Sukama, 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