

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5350 of 2017

- Sanjay Sarkar, S/o Late Santosh Sarkar, Aged About 42 Years, R/o Orna Camp Adawal District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Kotwali Jagdalpur, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Shri P.K. Tulsyan, Advocate.

For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

05.09.2017

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 27/07/2017, in connection with Crime No. 300/2017, registered in Police Station Kotwali Jagdalpur, Distt. Bastar (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is pending before the Chief Judicial Magistrate, Bastar (C.G.) as Criminal Case No. 1244/17. Learned counsel for the applicant would further submit that though a matter as Crime No. 21/15 under Section 34(1)a of the Chhattisgarh Excise Act, 1915 has been registered against the applicant and the police had filed charge-sheet against the applicant

which was registered as Criminal Case No. 503/15 the Chief Judicial Magistrate, Jagdalpur Bastar (C.G.) vide order dated 18/02/2016 acquitted the applicant for the charges applicant will not commit any offence in future. As per the allegation, from the applicant 5.490 bulk litre of foreign liquor has been seized, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant and would further submit that earlier against the applicant Crime No.21/2015 under Section 34(1)a of the Chhattisgarh Excise Act 1915, has been registered.

5. Perused the matter.

6. As the applicant is in custody for 1 month 8 days till date, charge-sheet is not yet filed, trial may take some time, though earlier a matter for similar offence has been registered but as the said matter was bailable one and also as the applicant was acquitted in that matter, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. 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 like some amount to the satisfaction of Chief Judicial Magistrate, Bastar (C.G.) for his appearance before the said Court regularly as and when directed by the said Court for their appearance before the said Court regularly as and when directed by

the said Court.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicants 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.

10. Certified Copy as per rules.

Deeptijha

Sd/-
(Chandra Bhushan Bajpai)
Judge