NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5396 of 2017

Satyanand Banjara S/o Shri Bodhram Bajara, Aged About 35 Years R/o Village Risoda, Tahsil Baramkela(Wrongly Mentioned Barmela), District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Officer In Charge Of Police Station Sariya, District Raigarh, Chhattisgarh.

---- Respondent

For applicant Mr. Roop Naik, Adv.
For Respondent/State Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

6-9-2017

1. Heard finally.

2. The applicant has preferred this application for grant of bail as he is arrested on 12-7-2017 in connection with Crime No. 79/2017 registered in PS Sariya, Distt. Raigarh (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.

3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the CJM Raigarh as Cr. Case No. 433/2017. This is his first bail application before this Court. He is first offender. As per allegation, 5.500 bulk litre hand made country liquor has been seized from the conscious possession of the applicant. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.

4. Per contra, learned State counsel opposes the arguments

advanced on behalf of the applicant on the basis of the quantity of the liquor so seized from the applicant. He further submits that earlier to this incident, the police had also registered Compliant No. 27/2017 under Section 107, 116 sub-section (3) of the Cr.P.C. regarding preventive proceedings and Crime No. 23/2016 under Section 498-A and 323 of the IPC hence looking to the criminal antecedent of the applicant, instant MCRC may be dismissed.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody since 1 month and 24 days till date, charge sheet has been filed, trial may take some time, though one matter in connection with preventive proceeding has been initiated and another matter regarding cruelty against a woman who was either wife or in relation of the applicant has been registered about a year's ago, but as no involvement of the applicant in similar offence has been reported and as submitted he will not commit any crime in future and considering entire facts of the case, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. 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 the like sum to the satisfaction of the CJM Raigarh CG for his appearance before the said Court regularly as and when directed by the said Court.

7. 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: (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.

8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak