

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5539 of 2017**

- Rajendra Banjare S/o Koduram Banjare, Aged About 38 Years, R/o Village Ghuru Gokuldham, Police Station Chakarbhatha, District Bilaspur, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through In-Charge, Police Station Chakarbhatha, District Bilaspur, Chhattisgarh.

**---- Non-applicant**

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For Applicant – Shri B.P.Banjare, Advocate.

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

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**14-09-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No323/2017 on 03-08-2017 by P.S. Chakarbhatha, District Bilaspur, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet, which is presently pending before the JMFC Bilha, District Bilaspur, C.G., but, the learned counsel is not aware of the criminal case number. Learned counsel for the applicant would further submit that the applicant will not commit any offence in future and as per the allegation, from the applicant 5.130 bulk liter 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 would submit that earlier against the applicant following matters have been registered:-

| Sl.No. | Crime No./Complaint No. | Section                     |
|--------|-------------------------|-----------------------------|
| 01.    | Complaint No.04/02      | 151 of the Cr.P.C.,         |
| 02.    | Complaint No.79/02      | 107, 116(3) of the Cr.P.C., |

|     |                |                                      |
|-----|----------------|--------------------------------------|
| 03. | Crime No.67/16 | 294, 323, 506 Part II/34 of the IPC, |
| 04. | Crime No.71/17 | 34(1)(a) of the Act, 1915.           |

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 11 days till date, charge sheet has been filed, trial may take some time, though against the applicant two preventive proceedings have been initiated about 15 years ago and also this year one matter of the similar offence has been registered, but as the said matter was bailable one and also after consideration of the another matter, 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Bilha, District Bilaspur, 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. Chakarbhatta, District Bilaspur, C.G. in 1<sup>st</sup> and 3<sup>rd</sup> 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