

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5548 of 2017

- Vikash Kumar Gupta S/o Late Satyanarayan Gupta, Aged About 33 Years, R/o Village Baradwar, Ward No. 10, P.S. Baradwar, Civil & Revenue District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate District Janjgir-Champa Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ishwar Jaiswal, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.205/17 on 10-8-2017 by P.S. Baradwar, District Janjgir-Champa, C.G. 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 CJM Janjgir, Distt. Janjgir-Champa, C.G. as Criminal Case No.731/17. Learned counsel for the applicant would further submit that the applicant will not commit any offence in future, he may be granted bail during trial as the trial may take some time. As per the allegation, from the applicant 18.900 bulk liter country liquor has been seized along with one motorcycle.
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 from the applicant and also as against the applicant following matters have been registered prior to the incident:-

Sl.No.	Crime No./Complaint No.	Section
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01.	Crime No.20/15	36(C) of the Act, 1915
02.	Crime No.6/14	36(C) of the Act, 1915
03.	Crime No.125/08	324/34 of the IPC
04.	Complaint No.11/17	110 of the Cr.P.C.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 8 days till date, charge sheet has been filed, trial may take some time, though earlier four matters as aforementioned have been registered, but out of them one was for the preventive proceedings, other two matters are for the similar offence, but they are bailable one, and about 9 years ago one matter under the penal offence has been registered, also the quantity of liquor so seized is on the higher side, but 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.50,000/- with two solvent sureties of the like sum to the satisfaction of the Chief Judicial Magistrate Janjgir, 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.

Baradwar, District Janjgir-Champa, C.G. in 1st and 3rd 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