

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5674 of 2017**

- Anil Gupta, S/o Late Rajaram Gupta, Aged About 42 Years, R/o Kharwat Chinddand, Police Station Charcha, Tahsil Baikunthpur, District Koriya Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Charcha, Tahsil Baikunthpur, District Koriya Chhattisgarh.

---- Respondent

For Applicant : Shri Shakti Raj Sinha, Advocate
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.125/17 on 25/08/2017, Police Station Charcha, Distt. Korla, (C.G.) for the offence under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant would submit that charge-sheet is not yet filed, applicant is remanded by Chief Judicial Magistrate, Baikunthpur, Distt. Korla (C.G.). As per allegation, from the applicant 8.130 bulk litre foreign liquor has been seized. Earlier, following matters has been registered of the similar offences.

S.No.	Police Station	Section	Crime No.	Date of Judgement	Sentence
01.	Charcha	36(c)	176/06	20/11/06	500/-
02.	Charcha		109/07	05/11/07	1,00/-

03.	Charcha	36(c)	60/08	13/06/08	1,00/-
04.	Charcha	36(c)	147/08	10/12/08	500/-
05.	Charcha	36(c)	26/09	17/03/09	500/-
06.	Charcha	36(c)	80/09	04/07/09	500/-
07.	Charcha	36(c)	122/09	18/09/09	500/-
08.	Charcha	36(c)	68/10	06/05/10	500/-
09.	Charcha	36(c)	75/10	08/06/10	500/-
10.	Charcha	34, 36(c)	171/10	Pending CJM	-
11.	Charcha	36(c)	122/15	30/10/15	500/-
12.	Charcha	36(c)	129/16	08/10/16	600/-
13.	Charcha	34(A)	49/17	Pending CJM	-
14.	Charcha	34(1)a	71/17	Pending CJM	-

Learned counsel for the applicant would submit that though aforementioned has been registered against the applicant but applicant was never awarded substantive jail sentences and in 11 aforementioned matters applicant deposited the entire fine amount 3 matters are pending. He will not commit any offence in future, trial may take some time, he may be granted bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant, on the basis of large number of cases has been registered against the applicant which demonstrate the criminal antecedent of the applicant.

5. Perused the entire matter.

6. As the applicant is in custody since 26 days till date, charge-sheet is not filed yet filed, trial may take some time, though against the applicant 14 matters has been registered, but as all the matters are bailable one and only 3 matters are pending and in another 11 matters applicant is sentenced for the fine amount only and as

submitted that he has deposited the fine amount. On due consideration, I am inclined to grant an 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, the 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.1,00,000/- with two solvents sureties of Rs.50,000/- each to the satisfaction of Chief Judicial Magistrate, Baikunthpur (C.G.) for his 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 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 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 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark their appearance before the Station House Officer/IO, Police Station Charcha, Distt. Baikunthpur **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicant without any cogent and proper reason does not

appear before the Police of Police Station Charcha, Distt. Baikunthpur as directed, the concerned police may inform the trial Court for the act and if their non-appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Register (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge