

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5727 of 2017

- Vedprakash Soni S/o Makhanlal Soni, aged about 43 years, R/o Village Belargaundi, Police Station Gaiadatola, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Circle Chichola, District Rajnandgaon Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikas Shrivastava, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime (Excise) No.56/2017 on 11-08-2017 by investigating agency, Excise Circle Chichola, District Rajnandgaon, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Charge sheet has not been filed yet, the applicant is remanded by the CJM Rajnandgaon. 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 and as per the allegation, from the applicant 6.480 bulk liter country liquor of neighbouring State 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 on the basis of type of liquor so seized from the applicant and also as against the applicant following matters have been registered:-

Sl.No.	Crime No./Complaint No.	Section
01.	Crime No.60/14	34(1)(a) of the Act, 1915
02.	Crime No.52/2000	447, 379, 34 of the IPC
03.	Crime No.9/05	36(C) of the Act, 1915
04.	Crime No.30/10	36(C) of the Act, 1915
05.	Crime No.06/16	34(1)(a) of the Act, 1915
06.	Crime No.19/16	34(1)(a) of the Act, 1915
07.	Crime No.47/16	34(1)(a) of the Act, 1915
08.	Complaint No.04/17	151 of the Cr.P.C.
09.	Complaint No.19/17	151 of the Cr.P.C.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 9 days till date, charge sheet has not been filed yet, trial may take some time, though against the applicant aforementioned two matters of preventive proceedings have been initiated and 6 matters of similar offence have been registered, but they are bailable one, one matter under penal Section has been registered, i.e., about 17 years old but there is no any fact that the applicant is sentenced for that matter, after 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 Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Rajnandgaon, 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 I.O./In-charge, as the case may be, of Excise Circle Chichola, District Rajnandgaon 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