

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5956 of 2017

- Parmeshwar Sahu S/o Juthel Sahu, Aged About 26 Years, R/o Village Chikhli, P.S. Rajanavagaon, Tehsil Kawardha, District Kabirdham, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhoramdev, District Kabirdham, Chhattisgarh

---- Respondent

For Applicant – Shri Ajay Ayachi, Advocate.

For Respondent – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

09-10-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.39/2017 on 19-08-2017 by P.S. Bhoramdev, District Kabirdham, 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 Kawardha, C.G.. Learned counsel for the applicant would further submit that the applicant is first offender and as per the allegation, from the applicant 09 bulk liter hand made country liquor has been seized along with one motorcycle bearing registration No. CG 04 CF 2632. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and submitted that earlier against the applicant following matters have been registered:-

Sl.No.	Crime No.	Section
01.	26/16	34(1)(a) of the Act, 1915,
02.	33/16	294, 506, 323 of the IPC.

Hence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 22 days till date, charge sheet has not been filed yet, though against the applicant aforementioned two matters have been registered, but the applicant had not been convicted by any criminal Court and after consideration of the entire facts, allegations against the applicant in two aforementioned matters, 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Kawardha, Distt. Kabirdham, 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 Police Station Bhoramdev, District Kabirdham, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the said criminal case against him. 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. Additional 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