

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3855 of 2017

- Ghanshyam Manikpuri S/o H.D. Manikpuri, Aged About 35 Years, R/o Village Senabhatha, Police Station- Kunda, District Kawardha, At Present R/o- Podibahar, Chowki- Rampur, Korba, Tahsil & District- Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Chowky- Rampur, Thana Kotwali Korba, District- Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

21-06-2017

1. Heard on I.A.No.1/2017 for urgent hearing.
2. The applicant prayed that the mother of the applicant had died on 15-06-2017 and the rituals, i.e., Daskarm will be held on 22-06-2017, being a son presence of the applicant is required to take part in the rituals, hence, prayed that the matter may be heard urgently. In support copy of the death certificate is also annexed.
3. On due consideration, I.A.No.1/2017 is hereby allowed.
4. Heard the matter finally.
5. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.198/2017 on 06-4-2017 by Outpost - Rampur, P.S. Kotwali Korba, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation charge sheet has been filed, which is pending before the CJM Korba, C.G. as Criminal Case No.750/2017. The applicant is first offender. This is the first bail application. As per the allegation, 101 bulk liter foreign liquor has been seized from the conscious possession of the applicant. This is repeat bail application; earlier the applicant had preferred MCRC No.2793/2017, the same was disposed of as withdrawn on 03-05-2017

reserving the applicant's liberty to revive the petition after filing of the charge sheet. Now, the charge sheet has been filed. Trial may take some time. There is no earlier criminal antecedent of the applicant. Hence, it is prayed that as the applicant will not commit any offence in future, he may be granted bail during trial.

6. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the huge quantity of liquor so seized, though fairly conceded that there is no any criminal past of the applicant regarding commission of any offence.

7. Perused the entire material.

8. As the applicant is in custody since 2 months and 15 days, charge sheet has been filed, trial may take some time, the applicant had no criminal past and he lost his mother recently, though the quantity of liquor so seized is on higher side, but on account of no criminal antecedent and other facts, I am inclined to grant one last 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.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- each to the satisfaction of the Chief Judicial Magistrate Korba, C.G. for his appearance before the said Court as and when directed till trial.

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 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.

10. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of Outpost Rampur of P.S. Kotwali Korba, Distt. Korba, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of 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.

11. Certified copy today.

Sd/-
(Chandra Bhushan Bajpai)
Judge