

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4254 of 2017

- Gokul Banjare S/o Manglu Banjare, Aged About 33 Years, R/o Village Bhansoj, Thana Aarang, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station-Aarang, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Krishna Kumar Dewangan, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

01-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.132/17 on 17-3-2017 by P.S. Aarang, District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is pending before the JMFC Raipur, C.G. as Criminal Case No. 3740/17. Learned counsel for the applicant would further submit that the applicant is first offender. As per the allegation, 8.100 bulk liter foreign liquor has been seized from the applicant. The applicant will not commit any offence in future. Trial may take some time. He may be enlarged on bail. Learned counsel for the applicant would also submit that this is second bail petition before this Court; earlier MCRC No.2410/2017 was disposed of as withdrawn on 03-05-2017 as the present applicant intended to file bail petition before the Court below. Thereafter, the applicant again prayed his level best to file bail petition before the IIIrd Additional Judge to the Court of First Additional Sessions Judge Raipure, C.G. The said Additional Sessions Judge dismissed the second petition of bail filed before the Court of Sessions. Thereafter, the applicant re-

approached this Court. He is in custody since long and it is prayed that he may be enlarged on bail.

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, though fairly conceded that there is no any criminal antecedent of the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 4 months and 14 days till date, trial may take some time, the applicant is first offender, looking to 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Raipur, 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. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
Judge