

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3087 of 2017

- Rajkapur Sisodiya S/o Narayan Sisodiya, Aged About 20 Years, R/o Village Gopalbhona, Thana Pipariya, District Kabeerdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Pipariya, District Kabeerdham, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

06-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.68/2017 on 10-4-2017 by P.S. Pipariya, District Kabeerdham, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet against the applicant, which is registered as Criminal Case No.445/2017 pending before the CJM Kabeerdham (Kawardha), C.G. The applicant is first offender. This is the first bail application. As per the allegation, 18 bulk liter country liquor has been seized. The applicant will not commit any offence in future. 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 on the basis of the quantity of liquor so seized, though fairly conceded that there is no any criminal antecedent reported by police in the case diary prior to the incident.
4. Perused the entire material.
5. As the applicant is in jail since 1 month and 27 days till date, he is first offender, charge sheet has been filed, trial may take some time, though quantity of liquor so seized is on the higher side, but as there is no any earlier criminal antecedent, I am inclined to grant one opportunity to the applicant so

that he shall not involve himself in any crime 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 Kabeerdham (Kawardha), C.G. for his appearance before the said trial 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)
Vacation Judge