

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2303 of 2017

1. Pavitra Mahanand S/o Sunder Mahanand, Aged About 23 Years, Caste- Gada, R/o Village- Mongra, Police Station & Post Office- Chhura, District- Gariyaband Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh through Station House Officer, Police Station - Chhura, District- Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

26-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is arrested in connection with Crime No.29/2017 on 12-3-2017 by Chhura police, Civil District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed and the applicant is remanded by the CJM Gariyaband, C.G. The applicant is first offender. There is no earlier criminal antecedent of the present applicant. This is the first bail application. As per the allegation, 9 liter country liquor has been seized from the conscious possession of the applicant along with one two wheeler bearing registration No. CG 04 FE 2593. He will not commit any offence in future. He may be granted bail till trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that Chhura police not collected any material regarding earlier involvement of the present applicant for similar or other offence.
4. Perused the entire material.

5. As the applicant is in jail since 1 and ½ months, charge sheet has not yet been filed and looking to the quantity of liquor so seized from the applicant, I am inclined to grant an opportunity to the applicant so that he shall not commit any offence in future and remain 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 Gariyaband, C.G. for his appearance before the said trial Court as and when directed.

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