

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2490 of 2017

1. Sukhnandan Barle S/o Tarachand Barle, Aged About 41 Years, R/o Village Pendari, Police Station Chakarbhata, Tehsil Takhatpur, District Bilaspur Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh through Station House Officer, Chakarbhata, District Bilaspur Chhattisgarh

---- Non-applicant

For Applicant – Shri Basant Dewangan, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

04-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.113/2017 on 27-3-2017 by Chakarbhata police, District Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Charge sheet has not yet been filed. The applicant is remanded by the JMFC Bilha, District Bilaspur, C.G. The applicant is first offender. As per the allegation, 5.580 bulk liter country liquor has been seized from the applicant which is slight above than the quantity of 5 bulk liter. He 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, though fairly conceded that the applicant had not involved earlier in any offence.
4. Perused the entire material.
5. As the applicant is in jail since one month and 9 days, he is first offender, no any other criminal antecedent reported against the applicant and as submitted he shall not involve in any offence, I am inclined to grant one last

opportunity to the applicant so that he shall not involve in any similar or other offence and live in society peacefully without committing any crime. 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Bilha, District Bilaspur, 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)
JUDGE