

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2741 of 2017

1. Sapnshil S/o Late Santoshshil, Aged About 38 Years, R/o Village-Radhakrishnagar, Police Station Balrampur, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Excise Circle Balrampur District-Balrampur, Ramanujganj, Chhattisgarh.

---- Non-applicant

For Applicant – Shri A.K.Yadav, Advocate.

For Non-applicant – Shri Anant Bajpai, 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.01/2017 on 04-4-2017 by Excise Circle Balrampur, Civil District Surguja at Ambikapur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed. The applicant is remanded by the CJM Balrampur Ramanujganj, C.G. As per the allegation, 12 liter foreign liquor has been seized from the conscious possession of the applicant. He will not commit any offence in future. In addition to this fact, marriage of the daughter of the applicant scheduled to be solemnized on 28 April, 2017. 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 there is no earlier criminal antecedent of the present applicant.
4. Perused the entire material.
5. On due consideration, as the applicant is in jail since last 22 days, he is first offender, no any earlier criminal antecedent is reported and looking to the

quantity of liquor so seized from the conscious possession of the applicant and after consideration of the other facts, I am inclined to give a last opportunity to the applicant so that he shall not commit any similar offence or other offence in future and remain in society peacefully. 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 Balrampur Ramanujanj, 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 today.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE