

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2757 of 2017

1. Bhaiyalal @ Vijay Pratap S/o Ramchandra Panika, Aged About 32 Years, R/o Sonvani, At Present R/o Village Masrra, Thana Kotadol, Tahsil Manendragarh, District Koriya, Chhattisgarh

---- Applicant

Versus

1. The State of Chhattisgarh Through Police Station Kotadol, District Koriya Chhattisgarh

---- Non-applicant

For Applicant – Shri Parag Kotecha, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

16-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.4/17 on 22-01-2017 by P.S. Kotadol, District Koriya, C.G. for the offence under 34(2) of the C.G. Excise Act, 1915. Police had filed the charge sheet against the applicant which is pending before the JMFC Janakpur, District Koriya, C.G. as Criminal Case No.17/17. The applicant is first offender. He had no other criminal past. He will not commit any offence in future. As per the allegation, the applicant was in illegal possession of 15.840 bulk liter country liquor/foreign liquor. He may be granted bail during trial as the trial may take some time.
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 from the applicant, a shopkeeper, though fairly conceded that there is no any earlier criminal past of the applicant.
4. Perused the entire material.
5. On due consideration, as the applicant is in jail since three months and 25 days till date, he is first offender, he had no criminal antecedent and as

submitted he will not commit any offence in future, though the quantity of liquor so seized from the applicant is on the higher side, but on due consideration of the entire facts and circumstances, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any crime 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Janakpur, District Koriya, C.G. for his appearance before the said trial Court as and when directed by the trial Court.

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