

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1649 of 2017

1. Balwant S/o Dwarika Mandale, aged about 20 years, R/o Gurunanak Ward, Panchshil Nagar, Police Station- Bhatapara ; District (Revenue & Civil)- Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station- Bhatapara (City); District (Revenue & Civil)- Balodabazar- Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Sumit Jhanwar, Advocate.

For Non-applicant – Shri Anil Pandey, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28-03-2017

1. The matter heard finally.
2. Learned counsel for the applicant would submit that the applicant held arrested by the Bhatapara City police, District Balodabazar Bhatapara, C.G. in connection with Crime No.54/2017 under Section 34(2) of the Excise Act on 06-02-2017. As per allegation, he was in illicit possession of 5.22 liters foreign liquor. The charge sheet is not yet filed. He is under remand and under custody before the Court of CJM, Balodabazar, C.G. He had no earlier criminal antecedent and he will not commit any offence in future. This is the first bail application. He may be granted bail till the hearing.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and fairly submitted that during investigation police had not collected any material regarding his earlier involvement in the similar offence.
4. Perused the material.
5. On due consideration, I am inclined to allow the instant MCRC. 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 Chief Judicial Magistrate, Balodabazar, C.G. for his appearance before the said trial Court as and when directed.

6. Is 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