

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1568 of 2017

1. Ramadhar Karsh S/o Mahalal Karsh, Aged About 46 Years, R/o Village Maharaji, Police Station Gidhori, District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through S. H. O. Police Station Gidhori, District Baloda Bazar Bhatapara Chhattisgarh

---- Non-applicant

For Applicant – Shri Hemant Gupta, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

07-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.31/17 on 11-02-2017 by police of P.S. Gidhori, District Baloda Bazar Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act. Charge sheet has not been yet filed. The applicant is in jail as directed by the CJM Baloda Bazar Bhatapara, C.G. This is the first bail application and there is no criminal antecedent of the applicant. As per allegation, 5.76 liters country liquor has been seized. He will appear before the trial Court regularly. He may be given opportunity to remain in bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and submitted that earlier two offences were registered against the present applicant for the offence under Section 34(1)(a) of the C.G. Excise Act. With this, history of earlier criminal antecedent is reported by the concerned police. Hence, the application may be dismissed.
4. Perused the material.
5. On considering the entire facts and circumstances, I am inclined to grant

one opportunity to the applicant so that he may remain in society without committing similar offence in future. 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 Baloda Bazar, 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