

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1696 of 2017

1. Khemlal Nishad S/o Late Bhagwat Nishad, aged about 27 years, R/o Adsena, Police Station Kharora, Raipur, District Raipur Chhattisgarh
2. Chandan Nishad, S/o Ramji Nishad, aged about 25 years, R/o Adsena, Police Station Kharora Raipur, District Raipur Chhattisgarh

---- Applicants

Versus

1. State of Chhattisgarh Through Police Station Kharora, District Raipur Chhattisgarh

---- Non-applicant

For Applicants – Shri P.P.Sahu, Advocate.

For Non-applicant – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28-03-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is arrested on 14 February, 2017 under Section 34 (2) of the C.G. Excise Act for Crime No.39/2017 by the Kharora Police, District Raipur, C.G. Charge sheet has not been yet filed. They are remanded by the Judicial Magistrate First Class, Raipur, C.G. This is the first bail application. The applicants are not arrested for the similar matter by police earlier. As alleged, they were in illicit possession of 32.400 liters of duty paid F.L. They will not commit offence in future, they may be granted bail.
3. Learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and further conceded that the police had not collected any material to show that the applicants were involved in similar offences earlier.
4. On due consideration, as this is the first bail application filed on behalf of the applicants, the applicants are the first offender, though the liquor seized from their possession is 32.400 liters, they are in jail since 14 February, 2017, I

am inclined to grant them an opportunity to remain in bail without committing any offence of the similar nature.

5. Consequently, the instant MCRC is hereby allowed. The applicants are directed to be released on bail on their furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lac) with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Raipur, C.G. for their 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 applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain 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