

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1700 of 2017

1. Nanu @ Budharu Dhruv S/o Shri Mehtaru Dhruv, Age 19 years, R/o Sukrawari Bazar, Mathpara, Vijay Chowk, Beergaon, Police Station Urla, District (Revenue & Civil) Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Khamtarie, District Raipur, Chhattisgarh.

---- Respondent

For Applicant – Shri Yogesh Pandey , Advocate.

For Respondent – Shri N.K.Mehta, 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 in Crime No.501/16 under Section 34 (2) of the C.G. Excise Act by the Khamtarie Police, District Raipur, C.G. Police had filed the charge sheet which is registered as Criminal Case No.21391/16. The applicant is in jail since 08-11-2016 till date. As per the allegation, he was in illicit possession of 5.400 liters F.L. This is the first bail application, he had not filed any application earlier before this Court or Hon'ble the Apex Court. The applicant is aged about 19 years. He will not commit any offence in future. Therefore, the bail may be granted.
3. Per contra, learned counsel for the respondent/State opposed the argument advanced on behalf of the applicant and fairly conceded that there is no any earlier antecedent of the earlier offence committed by the applicant in the case diary.
4. Considered the material.
5. On due consideration, looking to the quantity of the F.L. so seized and the age of the applicant and also with the fact that he is the first offender, I am

inclined to allow the bail application.

6. 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 Raipur, C.G. for his appearance before the said trial Court as and when directed by the trial Court.

7. 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.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE