

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1866 of 2017

1. Kishan Gandharav S/o Late Mannulal Gandharav, aged 20 years, R/o Near Durga Mandir, Mill Para, Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Excise Department Durg (East Circle) District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Anurag Jha, Advocate.

For Non-applicant/State – Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant submits that the applicant held arrested in connection with Crime No.407/16 for the offence under Section 34(2) of the C.G. Excise Act on 28-01-2017. The charge sheet has been filed after investigation before the CJM Durg which is registered as Criminal Case No.1415/17. As per the allegation, duty paid country liquor of 14.4 bulk liter has been seized from the conscious possession of the applicant. He will not commit any offence in future. He may be released on bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant though fairly submitted that police had not mentioned any earlier criminal antecedent of the applicant in the case diary.
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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial

Magistrate Durg, C.G. for his appearance before the said trial Court as and when directed till conclusion of the said trial.

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