

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1905 of 2017

1. Nagendra Prasad Gupta S/o Late Surendra Prasad Gupta, Aged About 33 Years, R/o Laxminagar Supela Bhilai Tehsil & District Durg, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through District Magistrate District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

17-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.12/2017 on 03-01-2017 by P.S. Supela, District Durg, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 2015. After investigation charge sheet has been filed and the same is pending before the CJM Durg as Criminal Case No.801/2017. The applicant is first offender. This is the first bail application and as per the allegation, 18 bulk liter liquor has been seized from the conscious possession of the applicant. He will not commit any offence in future. He may be granted bail. The date of incident is 02-01-2017.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant though fairly conceded that there is no any earlier criminal antecedent reported for the applicant in the case diary.
4. Perused the entire material.

5. On due consideration, I am inclined to grant one opportunity to the applicant so that he may remain in society without committing any 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.30,000/- 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.

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