

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1869 of 2017

1. Bhagbali S/o Sahdev Gond, aged about 50 years, R/o Lal Bahdur Nagar, Chichola Tehsil Dongargarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

1. State of Chhattisgarh, Through the Excise Circle Chichola District Rajnandgaon.

---- Non-applicant

For Applicant – Shri S.S. Baghel, Advocate.

For Non-applicant/State – Shri Anant Bajpai, 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.304/16-17 by the Excise Circle Chichola, District Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. The charge sheet has not been filed. The applicant is in jail. As per the order of CJM Rajnandgaon, C.G. the applicant is arrested on 02-03-2017 (wrongly mentioned in the petition for date of arrest as 05-03-2017) and as per the allegation, 14.4 bulk liter foreign liquor is seized from the conscious possession of the applicant. No other criminal antecedent is reported. The applicant is the first offender. Therefore, he may be granted bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant though fairly submitted that no any earlier criminal antecedent is reported 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 Rajnandgaon, 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