

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1917 of 2017

1. Mangal Das S/o Budhu Bariha, Aged About 50 Years, R/o Village Arjunda, Police Station- Saraipali, Tahsil Saraipali and District Mahasamund, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikas Pradhan, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

06-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.60/2017 by P.S. Saraipali, District Mahasamund, C.G. for the offence under Section 34(2) of the C.G. Excise Act on 24-02-2017. Charge sheet has not been filed. The applicant is in custody as directed by the CJM Mahasamund, C.G. The applicant is first offender. This is his first bail application. As per the allegation, from the conscious possession of the applicant 8.625 liters liquor has been seized. He may be granted bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that Saraipali police not collected any material regarding earlier involvement of the present applicant for the similar offences.
4. Perused the matter.
5. On due consideration, I am inclined to grant last opportunity to the applicant. 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 Mahasamund, 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