

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2009 of 2017

1. Nira Singh Netam S/o Padlal, Aged About 50 Years, Cast- Gond, R/o Village Pajharapali, Police Station-Basna, Tahsil Saraipali and District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Vikas Pradhan, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.83/17 on 10-03-2017 by P.S. Basna, District Mahasamund, C.G. for the offence under Section 34(2) of the C.G. Excise Act. The charge sheet has not yet been filed and the applicant is in jail as remanded by the CJM Mahasamund, C.G. This is the first bail application. No other criminal antecedent is reported and as per the allegation, from the conscious possession of the applicant 36 liters liquor has been seized. He will not commit any offence in future. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant though fairly submitted that no other earlier criminal antecedent for the similar offence or any other offence has been reported in the case diary.
4. Perused the entire material.
5. As the applicant is in jail for more than 1 month, he is the first offender and as submitted he will not commit any offence in future, though the quantity of the liquor so seized is on the higher side, I am inclined to grant last

opportunity to the applicant so that he remain in society without committing any similar or other 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.50,000/- 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.

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