

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1946 of 2017

1. Vikas Gupta S/o Pramod Gupta, Aged About 35 Years, R/o Sakari Wine Shop, Permanent R/o Village Gorakhpur, Police Station Etava, District Mirzapur, Uttar Pradesh.

---- Applicant

Versus

1. State of Chhattisgarh Through The Station House Officer Out Post Sakari, Police Station Chakarbhatta, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Raghavendra Pradhan, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, 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.76/2017 on 05-03-2017 by police of Outpost Sakari, P.S. Chakarbhatta, District Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 2015. Charge sheet has not yet been filed. The applicant is remanded by the JMFC Bilha, C.G. The applicant is first offender. This is the first bail application. He will not commit any offence in future. As per the allegation, from the conscious possession of the applicant 23.400 liter liquor has been seized. 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 and would submit that the quantity of liquor so seized from the applicant is on higher side, though fairly conceded that there is no any earlier criminal antecedent reported for the applicant.
4. Perused the matter.

5. On due consideration, as the applicant is not having any earlier criminal antecedent, he is in jail for about 1 and ½ months and as submitted he will not commit any offence in future, 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.40,000/- with two solvent sureties of Rs.20,000/- each to the satisfaction of the Judicial Magistrate First Class Bilha, 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