

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2005 of 2017

1. Makardhwaj Sonwani S/o Nepal Singh, Aged About 38 Years, R/o Giraudhpuri, Chowki- Giraudhpuri, Police Gidhauri, District Baloda Bazaar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station- Gidhauri, District Baloda Bazaar- Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Yogesh Kumar Chandra, 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.48/17 on 01-03-2017 by P.S. Gidhauri, Distt. Baloda Bazar-Bhatapara, 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, remanded by the CJM Baloda Bazar, 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 9.40 liter liquor has been seized. He will not commit any offence in future. He may be granted bail till trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that earlier three matters for the preventive action registered by police under Section 107, 116 of the Cr.P.C. against the applicant, it goes to show the conduct of the applicant that the police proceeded to take preventive action against the applicant. Hence, the instant MCRC may be dismissed.
4. Perused the material.
5. On due consideration, looking to the facts that the applicant is in jail

since 01-03-2017 till date, no other earlier criminal antecedent noticed by the police for his involvement in the similar offence, I am inclined to grant one opportunity to the applicant so that the applicant without committing any similar or other offence may contest the matter. 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 Baloda Bazar-Bhatapara, 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