

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1998 of 2017

1. Jagdish Nishad S/o Sagnuram Nishad, Aged About 40 Years, R/o Village Khapri Darbar, Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Non-applicant

For Applicant – Shri Abhishek Sharma, Advocate.

For Non-applicant/State – Shri Neeraj Sharma, Deputy G.A.

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.29/17 on 17-02-2017 by Chhuikhadan police, Distt. Ranandgaon, 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 remanded by the Addl. CJM Khairagarh, Distt. Rajnandgaon, C.G. The applicant is the first offender. No any earlier criminal antecedent is reported. This is the first bail application, and as per the allegation, 9.75 M.L. liquor including illicit country liquor and 250 M.L. liquor in a polythene has been seized from the conscious possession of the applicant. He will not commit any offence in future. He may be enlarged on 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 in the entire case diary police had not shown any earlier criminal antecedent of the applicant.
4. Perused the matter.
5. On due consideration, I am inclined to grant opportunity to the applicant

so that he may defend his case without committing any crime 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Additional Chief Judicial Magistrate Khairagarh, District Rajnandgaon, 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