

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2061 of 2017

1. Rajkumar Yadav S/o Shri Karmu Yadav, Aged About 37 Years, R/o Salihaghat, Outpost Bhatgaon, Police Station Bilaigarh, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, District- Baloda Bazar - Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.R.Sahu, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.99/2017 on 12-03-2017 by P.S. Bilaigarh, District Baloda Bazar-Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act. The matter is under investigation. Charge sheet has not yet been filed. The applicant is in custody as directed by the JMFC Kasdol, C.G. This is the first bail application. He will not commit any offence in future. He may be granted bail during trial. As per the allegation, 6.75 liter country liquor has been seized from the possession of the present applicant.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and further submitted that Crime No.438/12 under Section 36(f), Crime No.393/13 under Section 36(f) of the C.G. Excise Act, 1915 and one matter under Section 107, 116 of the Cr.P.C. for preventive action have been registered against the present applicant. Hence, the application may be dismissed.
4. Perused the entire material.

5. On due consideration, as the applicant is in jail since 1 month and 6 days, charge sheet has not yet been filed and for 4 years ago lastly the matter under Section 36(f) of the Excise Act has been registered which is punishable with fine sentence only, I am inclined to grant one last opportunity to the applicant so that he may not commit any similar or other offence in future and remain in society peacefully. 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Kasdol, 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