

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2202 of 2017

1. Sarju Yadav S/o Naresh Yadav, Aged About 45 Years, R/o Upperpara-Abhanpur, Police Station- Abhanpur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through it's Police Station Rakhi, New Raipur, Civil & Revenue District- Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.L.Sahu, Advocate.

For Non-applicant/State – Shri Neeraj Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

19-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit the applicant held arrested in connection with Crime No.19/17 by P.S. Rakhi, New Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 on 05-02-2017. After investigation, police had filed the charge sheet against the present applicant, the same is pending before the CJM Raipur, C.G. as Criminal Case No.2365/2017. The applicant is in jail since two and ½ months. He is first offender. This is the first bail application. He will not commit any offence in future and as per the allegation, from the conscious possession of the applicant 8.280 bulk liter foreign liquor has been seized.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that earlier Crime No.147/16 has been registered against the present applicant by Rakhi police for the offence under Section 34(1)(a) of the Excise Act.
4. Perused the entire material.
5. Looking to the period of detention of the present applicant as he is in jail

for 2 and ½ months, though offence under Section 34(1)(a) of the Excise Act has been registered against the present applicant, but looking to the quantity of liquor so seized from the possession of the applicant, I am inclined to grant one last opportunity to the applicant so that he shall not commit any similar or other offence in future and may 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Raipur, 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