

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2088 of 2017

1. Shubham Mishra S/o Shri Kaushal Kumar Mishra, Aged About 24 Years, R/o Rose 133, International Talpuri Colony, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh, Through The District Magistrate, Durg, (Police Station Old Bhilai), District Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Uttam Pandey, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

12-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.49/2017 on 17-02-2017 by Old Bhilai police, District Durg, C.G. for the offence under Section 34(2) of the C.G. Excise Act. After investigation police had filed the charge sheet which is pending before the JMFC Bhilai-3, Distt. Durg, C.G. who had registered Criminal Case No.89/2017. This is the first bail application. He is first offender with no earlier criminal antecedent. The investigation has been completed. The applicant is in jail for about two months. The applicant may be granted bail. As per the allegation, the applicant was arrested along with 12.6 liters country liquor and the said liquor was seized.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant though fairly conceded that there is no any earlier criminal antecedent of the applicant regarding similar offence or any other offence.
4. Perused the entire material.
5. On due consideration, looking to the period of detention and other facts,

I am inclined to grant one opportunity to the applicant so that he shall not commit 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.30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC Bhilai-3, District Durg, 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