

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2102 of 2017

1. Rajendra Kumar S/o Shiv Kumar Rakesh (Meher), Aged About 31 Years, R/o Village Bhanthapara Kherdha, Police Station, Jamul, District- Durg, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through: District- Magistrate Durg, District- Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Wasim Miyan, 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.15/2017 on 09-01-2017 by P.S. Jamul, District Durg, C.G. for the offence under Section 34(2) of the C.G. Excise Act. Police after due investigation filed the charge sheet against the present applicant which is pending before the JMFC Durg, C.G. as Criminal Case No.1610/2017. This is the first bail application. The applicant is in jail since more than three months. The applicant is the first offender, no any other criminal antecedent is reported. As per the allegation, 5.400 bulk liter liquor has been seized from the applicant. He will not commit any offence in future. He may be an opportunity.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly submitted that Jamul police had not shown any earlier criminal antecedent of the present applicant regarding any of the offence.
4. Perused the entire material.
5. On due consideration, I am inclined to grant one opportunity to the

applicant so that he may remain in society without committing any similar offence and any of the offences. 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 JMFC, 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