

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2114 of 2017

1. Patlu Ali S/o Ishak Ali, Aged About 25 Years, R/o Village Baasin, Police Station Saja, District Bemetara, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through The Station House Officer, Police Station Saja, District Bemetara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Suresh Kumar Verma, Advocate.

For Non-applicant/State – Shri Arvind Shukla, 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.120/2017 on 10-03-2017 by Saja police, District Bemetara, C.G. for the offence under Section 34(2) of the C.G. Excise Act. Charge sheet has not yet been filed. The applicant is remanded by the CJM, Bemetara, C.G. The matter is under investigation. The applicant is first offender. This is the first bail application. As per the allegation, 7.200 M.L. country liquor has been seized from the conscious possession of the applicant. He will not commit any offence in future. He may be granted one opportunity.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant though fairly conceded that police had not reported any earlier criminal antecedent of the applicant.
4. Perused the entire material.
5. On due consideration, I am inclined to allow the instant MCRC. 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 Chief Judicial

Magistrate, Bemetara, 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