

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2112 of 2017

1. Thanuram S/o Atra Ram Sonwani, Aged About 32 Years, R/o Village Pokhara, Police Station Rajim, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through: Station House Officer Police Station Rajim, District- Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicant – Shri P.P.Sahu, Advocate.

For Non-applicant/State – Shri N.K.Mehta, 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.63/2017 on 19-03-2017 by P.S. Rajim, Civil District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act. This is the first bail application. There is no earlier criminal antecedent of the applicant. As per the allegation, 5.400 liters country liquor has been seized from the conscious possession of the applicant. He will not misuse the liberty if granted. He may be granted an opportunity to remain in bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that as per Crime No.248/14 a matter under Section 294, 506, 323/34 of the IPC has been registered against the present applicant, it goes to show earlier criminal antecedent of the applicant. Hence, the instant MCRC may be dismissed.
4. Perused the material.
5. The applicant is in jail since about 25 days, though one matter is registered against the present applicant for other penal section, as per the allegation, 5.400 liters country liquor has been seized from the possession of

the present applicant, police had not filed charge sheet till date, on due consideration, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and remain in bail during trial. 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, Gariyaband, 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