

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2120 of 2017

1. Raja S/o Dilip Dhritlahare, Aged About 20 Years, R/o Gandhi Nagar, Police Station- Jarhagaon, Civil District- Bilaspur, Revenue District- Mungeli, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer Police Station Jarhagaon, Civil District Bilaspur, Revenue District- Mungeli- Chhattisgarh.

---- Non-applicant

For Applicant – Shri Pallav Mishra, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, 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.57/2017 on 16-03-2017 by Jarhagaon police, Civil District Bilaspur, 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 order of the CJM, Mungeli, C.G. The applicant is first offender. This is the first bail petition. As per the allegation, 5.400 liters liquor has been seized from the applicant. He will not commit any offence in future. He may be granted one 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 earlier Crime No.186/16 under Section 36(c) of the Excise Act, Crime No.42/17 under Section 34(1)(a) of the Excise Act has also been registered against the present applicant, it goes to show his earlier involvement in the similar offence, hence, the instant MCRC may be dismissed.
4. Perused the entire material.

5. On due consideration, looking to the period of detention, age of the applicant and the quantity of the liquor so seized from the applicant, I am inclined to grant last opportunity to the applicant so that he may remain in society without committing any similar offence or other offence and face the 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, Mungeli, 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