

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2200 of 2017

1. Chandresh Baghel S/o Late Hira Lal Baghel, Aged About 25 Years, R/o Ward No.9, Pipariya Khairagarh, Police Station & Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Guru Prasad Kurre, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

19-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.76/2017 by P.S. Khairagarh, District Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 on 14-03-2017. Charge sheet has not yet been filed. The applicant is remanded by the ACJM Khairagarh, Distt. Rajnandgaon. The applicant is first offender. This is the first bail application. No any earlier criminal antecedent is reported against the applicant. As per the allegation, 6.300 M.L. liquor has been seized from the applicant along with Rs.1090/-. He will not commit any offence in future. He may be enlarged on bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly submitted that there is no any other criminal antecedent reported by Khairagarh police against the present applicant.
4. Perused the entire material.

5. On due consideration, I am inclined to grant one opportunity to the applicant so that he shall not commit any similar or other offence in future and may remain in society peacefully. 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 Additional Chief Judicial Magistrate Khairagarh, 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