

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2531 of 2017

1. Heera Lal Kahar S/o Late Sukhi Ram Kahar, Aged About 48 Years, R/o Village Marra, Police Station Utai, Tahsil Patan, District Durg, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Utai, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Chandra Bhushan Kesharwani, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.68/2017 on 11-3-2017 by P.S. Utai, District - Durg, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicant is remanded by the JMFC Patan, C.G. The applicant is first offender. This is the first bail application. As per the allegation, 6.120 bulk liter foreign liquor has been seized. He will not commit any offence in future. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that there is no any earlier criminal antecedent of the applicant prior to the incident.
4. Perused the entire material.
5. On due consideration, looking to the facts that the applicant is in jail for about two months (just three days short), he is first offender, no any criminal antecedent is reported and as per the allegation 6.120 bulk liter liquor has been seized, I am inclined to grant one opportunity to the applicant so that he

shall not involve in any offence in future and live peacefully in society. 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 Judicial Magistrate First Class Patan, District Durg, C.G. for his appearance before the said trial Court as and when directed till trial.

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