

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2423 of 2017

1. Rabendra Jaiswal S/o Shyamsunder Jaiswal, Aged About 22 Years, R/o Bahuti (Madav), Post Office Marisgawan, Police Station - Naigadi, District- Riwa, (M.P.) Present R/o Near The House of Dr. Gopal, In Front of Sulabh Shouchalaya, Satnamipara, Telibandha, Post Office, Raipur, Police Station Telibandha, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh through the Station House Officer, Police Station , Telibandha, District- Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.110/2017 on 18-3-2017 by Telibandha police, District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet against the applicant which is registered as Criminal Case No.2974/2017 pending before the CJM Raipur, C.G. The applicant is the first offender. This is first bail application. As per the allegation, 5.580 bulk liter liquor has been seized from the applicant. He will not commit any offence in future. He may be granted an opportunity to remain in 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 involvement of the applicant in the similar offence earlier.
4. Perused the entire material.
5. On due consideration, as the charge sheet has been filed and the applicant is the first offender, he is in custody since more than 1 and ½ months

and as submitted he shall not involve in similar offence again, I am inclined to grant one opportunity to the applicant so that he shall not commit any similar offence in future and 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 Chief Judicial Magistrate Raipur, C.G. for his appearance before the said trial Court as and when directed till the disposal of said matter.

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