

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2480 of 2017

1. Amit Kumar Saxena S/o Heera Lal Saxena, Aged About 27 Years, R/o Village Bade Sajapali, Chowki Bhanwarpur, Police Station Basna, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vivek Singhal, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

04-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.113/2017 on 28-3-2017 by Basna police, District Mahasamund, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Charge sheet has not yet been filed. The applicant is remanded by the CJM Mahasamund, C.G. The applicant is first offender. As per the allegation, 26.640 bulk liter foreign 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 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 no any earlier criminal antecedent is reported for the present applicant.
4. Perused the entire material.
5. As the applicant is in jail since one month and 8 days, charge sheet has not been filed, trial may take some time, though the quantity of liquor so seized is 26.640 bulk liter is higher one, but as the applicant was not earlier involved in similar or other offence and as submitted he will not commit any offence in

future, I am inclined to grant one last opportunity to the applicant so that he shall not involve in any similar or other offence and live in society peacefully without committing any crime. 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Mahasamund, 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