

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2433 of 2017

1. Dukhu Ram Kurre S/o Agam Kurre, Aged About 65 Years, Occupation Labour, R/o Village Firgi, Thana- Tendukona, Tahsil and District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through: Station House Officer, Police Station Tendukona, District- Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Ashish Shukla, 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.21/2017 on 30-3-2017 by P.S. Tendukona, 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. For last 1 month and 5 days the applicant is in custody. The applicant is remanded by the CJM Mahasamund, C.G. This is first bail application. The applicant is the first offender. There is no earlier criminal antecedent of the applicant and as per the allegation, 27 bulk liter country 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 on the basis of the quantum of liquor so seized from the applicant.
4. Perused the entire material.
5. As the applicant is in jail since one month and 5 days, charge sheet has not yet been filed, there is no any earlier criminal antecedent reported for the

present applicant, though the quantum of liquor so seized is on higher side, I am inclined to grant one opportunity to the applicant so that he shall not commit any similar or other 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.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