

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2435 of 2017

1. Akbar Khan S/o Late Mustaq Khan, Aged About 30 Years, R/o Gandhi Nagar, Pandri, Police Station Civil Line, District Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station Civil Line, Raipur, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.R.Sahu, Advocate.

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

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.189/2017 on 18-3-2017 by Civil Lines police, Raipur, 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 and the applicant is remanded by the CJM Raipur, C.G. He is in jail since one month and 17 days. As per the allegation, 6.300 bulk liter country liquor has been seized from the applicant along with motorcycle No. CG 04 DR 8870. The applicant 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 and would submit that the owner of the said motorcycle is not traced that is why charge sheet is pending investigation and hence the instant MCRC may be dismissed.
4. Perused the entire material.
5. Looking to the facts that the applicant is in jail since one month and 17 days, he is the first offender, no any earlier criminal antecedent is reported against the present applicant, also looking to the quantity of the country liquor

so seized, 6.300 bulk liter, 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.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 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. It is further observed that if during investigation police registers any other offence in the present matter against the present applicant, the bail granted to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench under intimation.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE