

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2504 of 2017

1. Harendra Kumar Yadav S/o Tularam Yadav, Aged About 23 Years, Caste Rawat, R/o Village Chaila, Police Station & Post Office - Amlipadar, District Gariyaband Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh through Station House Officer, Police Station - Amlipadar, District Gariyaband Chhattisgarh

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

05-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.20/2017 on 13-3-2017 by P.S. Amlipadar, Civil District- Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act. Charge sheet has not yet been filed, the applicant is remanded by the CJM Gariyaband, C.G. This is the first bail application. The applicant is first offender. As per the allegation, 21.960 bulk liter foreign liquor/country liquor has been seized from the applicant. He will not repeat the similar offence again. 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 quantity of liquor so seized from the applicant, though fairly conceded that the applicant had not involved in any of the similar offence prior to the incident.
4. Perused the entire material.
5. On due consideration, as the applicant is in jail since one month and 24 days till date, charge sheet has not yet been filed, trial may take some time, the applicant is first offender, no any earlier criminal antecedent is reported, though

the quantity of liquor so seized from the applicant is on the higher side, but as submitted that he will not commit any offence in future, I am inclined to grant one opportunity to the applicant so that he shall not involve in any similar or other offence again and shall live 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 Gariyaband, 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 today.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE