

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2567 of 2017

1. Pushpendra Tondon S/o Kamta Prasad Tondon, Aged About 37 Years, R/o Hanoda, Police Station Utai, Tehsil & District Durg, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through S.H.O. Police Station Utai, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri S.K.Agrawal, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

09-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.97/2017 on 31-03-2017 by P.S. Utai District- Durg, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is registered as Criminal Case No.2994/2017 pending before the JMFC Durg, C.G. The applicant is first offender. This is the first bail application. As per the allegation, 8.640 bulk liter country liquor has been seized from the applicant. He will not commit any offence in future. He may be granted bail till trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that earlier Crime No.436/2017 under Section 4(a) of the Gambling Act has been registered against the applicant, it goes to show the earlier conduct of the applicant. Hence, the instant MCRC may be dismissed.
4. Perused the entire material.
5. On due consideration, as the applicant is in jail since one month and 10 days, charge sheet has been filed, trial may take some time, the applicant not involved in any similar offence earlier, though a matter under the Gambling Act

has been registered against the applicant, but looking to the quantity of liquor so seized and other facts, I am inclined to grant one opportunity to the applicant so that he shall not involve now in any crime and remain peacefully in society. 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 Judicial Magistrate First Class Durg, 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