

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2485 of 2017

1. Harnek Singh S/o Late Mangat Singh, Aged About 70 Years R/o Ludhiana, Punjab, Local Address Gill House, D.D. Nagar, Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh through the Police Station Sejbahar, Mujgahan, Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Ms. Prachi Agrawal, Advocate.

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

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.75/17 on 05-4-2017 by Mujgahan police, District 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. The applicant is remanded by the JMFC Raipur, C.G. The applicant is aged about 70 years. The applicant is first offender. He will not commit any offence in future. As per the allegation, 15.300 bulk liter foreign liquor has been seized at the instance of the applicant. 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, though fairly conceded that no any earlier criminal antecedent is reported against the present applicant.
4. Perused the entire material.
5. As the applicant is in jail since one month, he is aged about 70 years, first offender, no any earlier criminal antecedent is reported and on due consideration of the quantity of liquor so seized from the applicant, I am inclined to grant one last opportunity to the applicant so that he shall not

involve himself in any similar or other crime and 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.50,000/- with two solvent sureties of Rs. 25,000/- each to the satisfaction of the Judicial Magistrate First Class 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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE