

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2657 of 2017

1. Krishna Kumar Chandrakar S/o Ram Prasad Chandrakar, Aged About 51 Years, R/o Rajendra Park Chowk Durg, Tahsil and District Durg Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station Mohan Nagar, Tahsil and District Durg Chhattisgarh

---- Non-applicant

For Applicant – Shri Rishikant Mahobia, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.169/2017 on 31-3-2017 by P.S. Mohan Nagar, Durg, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation charge sheet has been filed which is pending before the CJM Durg, C.G. as Criminal Case No.3119/2017. The applicant is first offender. This is the first bail application. As per allegation, from possession of the applicant 8.640 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, though fairly conceded that there is no any criminal past of the present applicant.
4. Perused the entire material.
5. On due consideration, as the applicant is in jail since one month and 11 days, charge sheet has been filed, trial may take some time, the applicant is first offender and looking to the quantity of the liquor so seized from the applicant, I am inclined to grant one opportunity to the applicant so that he

shall not involve in any offence and shall 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate 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