

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2562 of 2017

1. Naresh Verma S/o Santram Verma, Aged About 35 Years, R/o Bhansoj, Police Station- Arang, Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through: District- Magistrate Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikram Singh, Advocate.

For Non-applicant/State – Shri Wasim Miyan, 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.160/2017 on 03-4-2017 by P.S. Arang, 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 first offender. This is the first bail application. The applicant will not commit any offence in future. As per the allegation, from the applicant 5.940 bulk liter foreign liquor has been seized. He may be granted bail during trial as the trial may take some time.
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. 208/2016 under Section 36(C) of the Act, 1915, Crime No.28/2017 under Section 294, 506, 323/34 of the IPC have been registered, it goes to show 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 months and one week, charge sheet has not yet been filed, trial may take some time, though there are two cases registered against the applicant earlier, but looking

to the said matter and 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 similar crime 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 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