

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2565 of 2017

1. Rupesh Prabhakar S/o Madan Lal Prabhakar, Aged About 26 Years, R/o Village Ramtala, Police Station Koni, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Smt. Smita Jha, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

02-05-2017

1. Heard on I.A.No.1/2017 for urgent hearing.
2. On due consideration, I.A. No.1/2017 is hereby disposed of.
3. Also heard on I.A.No.2/2017 for taking document on record.
4. On due consideration, I.A.No.2/2017 is hereby allowed and the document annexed along with I.A.No.2/2017 is taken on record if otherwise admissible.
5. Learned counsel for the applicant would submit that looking to the entire facts and prayer, the matter may be heard finally.
6. Learned counsel for the non-applicant/State would submit that as the diary is available, he is ready for final hearing.
7. Heard the matter finally.
8. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.112/2017 on 01-4-2017 by P.S. Koni, District Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act. Charge sheet has been filed which is pending before the JMFC Bilaspur, C.G. though learned counsel for the applicant is not in a position to submit criminal case number. As submitted, the applicant is the first offender, this is the first bail application. As per the allegation, 27 bulk liter liquor has been

seized from the applicant. He will not commit any offence in future. He may be granted bail during trial.

9. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that the applicant had not involved in any of the offence prior to the incident.

10. Perused the entire material.

11. On due consideration, as the applicant is in jail since one month and one day, first offender, is having no any earlier criminal antecedent, though quantity of the liquor so seized is on the higher side, looking to the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not commit any offence in future 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Bilaspur, C.G. for his appearance before the said trial Court as and when directed till the disposal of said matter.

12. 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.

13. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE