

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2623 of 2017

1. Sudarshan Baghel S/o Late Shri Mohpal Baghel, Aged About 20 Years, R/o Village Hindadih Police Station Seepat, Tahsil- Masturi, Civil & Revenue District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through: The Station House Officer, Police Station- Seepat, Civil & Revenue District- Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Paras Mani Shriwas, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

01-05-2017

1. I.A.No.1/2017 for urgent hearing is hereby disposed of.
2. With the consent of the parties, the matter heard finally.
3. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.66/2017 on 31-03-2017 by Seepat police, District Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed and the applicant is in jail by the order of the JMFC Bilaspur, C.G. The applicant is first offender. This is the first bail application. As per the allegation, 9 bulk liter liquor has been seized from the conscious possession of the applicant along with a two-wheeler bearing registration No. CG 11 CD 8770. He will not commit any offence in future. He may be granted bail.
4. 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 other criminal incident prior to the present incident.
5. Perused the entire material.

6. As the applicant is in jail since one month with no criminal antecedent and after considering the quantity of liquor so seized from the applicant, I am inclined to grant one opportunity to the applicant so that he shall not commit any similar or other offence in future and remain peacefully in the 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.30,000/- 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.

7. 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.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE