

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2618 of 2017**

1. Sanju Yadav S/o Late Lakshmidhand Yadav, Aged About 19 Years, R/o Awaspara, Village Khamhariya, Police Station Seepat, Civil & Revenue District Bilaspur, Chhattisgarh.

**---- Applicant**

**Versus**

1. State of Chhattisgarh Through District Magistrate/ Station House Officer, Police Station Seepat, District Bilaspur, Chhattisgarh.

**---- Non-applicant**

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For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**11-05-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.68/2017 on 2-4-2017 by P.S. Seepat Distt. Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicant is remanded by the CJM Bilaspur, C.G. Trial may take some time. The applicant is first offender. This is the first bail application. The applicant will not commit any offence in future and as per the allegation, from the applicant 72 bulk liter country liquor has been seized.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of quantity of liquor so seized from the applicant, though fairly conceded that the applicant was not having any earlier criminal past.
4. Perused the entire material.
5. As the applicant is in jail since one month and 9 days, aged about 19 years only, though the quantity of liquor so seized from the applicant is on the higher side, but on due consideration, I am inclined to grant one last

opportunity to the applicant so that he shall not involve himself in any crime again and 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.1,00,000/- with two solvent sureties of Rs.50,000/- each to the satisfaction of the Chief Judicial Magistrate Bilaspur, 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. The applicant is further directed to remain present before SHO/IO/In-charge, as the case may be, of Seepat police on 1<sup>st</sup> and 3<sup>rd</sup> Monday of every month at 11.00 a.m. positively till trial. If the applicant failed to mark their appearance before the Seepat police as directed, the said police may inform the facts to the trial Judge and in case the trial Judge finds that the applicant was not present as directed before the concerned police without any proper or cogent reason, the bail granted to the applicant shall stand cancelled without further reference to the Bench.

8. Certified copy as per rules.

Sd/-

**(Chandra Bhushan Bajpai)**  
**JUDGE**