

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2600 of 2017

1. Manoj Gayakvad S/o Sukhchain Gayakvad, Aged About 34 Years, R/o Village- Dhaurabhath Kala, Thana- Nawagarh, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Thana- Nawagarh, District- Bemetara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

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.72/2017 on 06-4-2017 by P.S. Nawagarh, District- Bemetara, 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 Bemetara, C.G. This is the first bail application. The applicant is first offender. As per the allegation, 5.400 bulk liter country liquor has been seized from the applicant. 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 antecedent of the present applicant prior to the incident.
4. Perused the entire material.
5. On due consideration, for the facts that the applicant is in jail since one month and 3 days, charge sheet has not yet been filed, trial may take some time, the applicant is first offender, no any earlier criminal antecedent of the

applicant is reported and as submitted he will not commit any offence in future, 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 involve himself again in any crime and shall live 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 Bemetara, 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