

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2795 of 2017

- Ramsnehi S/o Shri Samaru, Aged About 34 Years, R/o Village-Bhatapara, Police Station- Sipat, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through: The Station House Officer, Police Station-Sipat, Bilaspur Chhattisgarh

---- Non-applicant

For Applicant – Shri Malay Kumar Bhaduri, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

16-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.62/17 on 30-03-2017 by P.S. Sipat, Distt. Bilaspur, C.G. for the offence under 34(2) of the C.G. Excise Act, 1915. As per information, charge sheet has been filed on 28-04-2017 pending before the CJM Bilaspur, C.G., but, learned counsel for the applicant is not in a position to state the criminal case number. The applicant is first offender. This is the first bail application. As per the allegation, the applicant along with co-accused Sanjay Kumar Kurre was carrying 9 bulk liter country liquor in a motorcycle bearing registration No. CG 11 AE 3824. Police had seized the said motorcycle from the applicant and seized liquor from the co-accused. The co-accused has also preferred MCRC No.2803/2017 to be listed probably next week. The applicant will not commit any offence in future. He may be granted bail till trial.
3. 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 crime prior to the incident.
4. Perused the entire material.

5. On due consideration, as the applicant is in jail since one month and 18 days till date, charge sheet has been filed, trial may take some time, police has seized the motorcycle from the applicant and liquor from the co-accused and proceeded against both the accused under the law, the applicant is first offender, no any criminal antecedent is reported, on due consideration, I am inclined to grant one opportunity to the applicant so that he shall not involve in any offence and shall 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Bilaspur, C.G. for his appearance before the said trial Court as and when directed by the trial Court.

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