

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2655 of 2017

1. Ratendra Tiwari S/o Harivallabh Tiwari, Aged About 35 Years, Caste- Brahaman, R/o Village- Sonamundi, Police Station & Post Office Devbhog, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through: Station House Officer, Police Station Devbhog, District- Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.63/2017 on 31-3-2017 by P.S. Devbhog, Civil District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act,1915'). Charge sheet has not yet been filed, the applicant is remanded by CJM Gariyaband, C.G. The applicant is first offender. This is the first bail application. As per the allegation, 6.300 bulk liter liquor has been seized. 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 and would submit that earlier Crime No.43/2017 under Section 34(1)(a) of the Act, 1915 has been registered against the applicant in the same month, i.e., March 2017, it goes to show the earlier criminal antecedent of the applicant. Hence, the instant MCRC may be dismissed.
4. Perused the entire material.
5. On due consideration, as the applicant is in jail since one month and 11

days, charge sheet has not yet been filed, trial may take some time, though a similar matter has been registered against the applicant, but the said matter is regarding the illegal possession of liquor below 5 bulk liter, on consideration of the quantity of liquor so seized in the present matter, I am inclined to grant one last opportunity to the applicant so that he shall not commit any similar offence in future 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 Gariyaband, 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