

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2661 of 2017

1. Bharosa Nishad S/o Laxman Nishad, Aged About 32 Years, R/o Ward No. 10, Ekta Nagar, Simga, District Baloda Bazaar-Bhatapara Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through The Police Thana Simga, District Baloda Bazaar-Bhatapara Chhattisgarh

---- Non-applicant

For Applicant – Shri Deepak Jain, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

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.93/2017 on 27-3-2017 by P.S. Simga, District Baloda Bazaar-Bhatapara, 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 under the authority of CJM Baloda Bazaar. The applicant is first offender. This is the first bail application. He will not commit any offence in future. As per the allegation, from possession of the applicant 14.400 bulk liter country liquor has been seized. 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 on the basis of the quantity of liquor so seized from the applicant, though fairly conceded that the applicant had no earlier criminal antecedent.
4. Perused the entire material.
5. As the applicant is in jail since 1 and ½ months, he is first offender, he had no criminal past and as submitted he will not commit any offence in future, on due consideration of the quantity of liquor so seized, I am inclined to grant

one opportunity to the applicant as the trial may take some time so that he shall not involve in any similar or other offence 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Baloda Bazaar, 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