

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2648 of 2017

1. Gokul Sen S/o Shri Bansi Sen, Aged About 43 Years, R/o Near Bazar Chouck Sarona, Police Station D. D. Nagar, Tahsil & District Raipur Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station D. D. Nagar, District Raipur Chhattisgarh

---- Non-applicant

For Applicant – Ms. Arpana Singh, Advocate.

For Non-applicant/State – Mr. 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.105/2017 on 03-4-2017 by P.S. Deen Dayal Nagar, Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. This is the first bail application. The applicant is first offender. As per the allegation, 18.720 bulk liter foreign liquor has been seized. He will not commit any offence in future. He may be granted bail during trial as the trial may take some time.
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 Deen Dayal Nagar police had not noticed any earlier criminal antecedent of the applicant.
4. Perused the entire material.
5. On due consideration, as the applicant is in jail since one month and 7 days, he is first offender, charge sheet has not yet been filed and as submitted he will not commit any offence in future, I am inclined to grant bail to the applicant so that he shall not involve in any offence and remain in society

peacefully. 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 Judicial Magistrate First Class Raipur, 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