

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2709 of 2017

1. Tekchand Sinha S/o Rajendra Sinha, Aged About 21 Years, R/o Village Kuliya, Police Station Komakhan, Tahsil Bagbahara, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Komakhan, District Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.43/2017 on 6-4-2017 by P.S. Komakhan, District Mahasamund, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation charge sheet has been filed, which is registered as Criminal Case No. S 899/2017 pending before the CJM Mahasamund, C.G. The applicant is first offender. This is the first bail application. As per the allegation, from the conscious possession of the applicant 29.520 bulk liter country liquor has been seized near the pond of the village. 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 on the basis of the quantity of liquor so seized from the applicant, though fairly conceded that the applicant had not involved in any offence prior to the incident.
4. Perused the entire material.
5. As the applicant is in jail since one month and 5 days, the applicant is

first offender, trial may take some time, though the quantity of liquor so seized is on the higher side, but on due consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Mahasamund, 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