

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2787 of 2017

- Prem Kishor Tandan Alias Gangu S/o Teejram , Aged About 30 Years, Caste Satnami, R/o Village Manpasar, Police Station Sarsiwa, Tahsil & District- Balodabazar, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station- Basna, District Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikash Pradhan, 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.127/17 on 30-03-2017 by P.S. Basna, District Mahasamund, C.G. for the offence under 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicant is remanded by the CJM Mahasamund, C.G. The applicant is first offender. This is the first bail application. As per the allegation, the applicant was carrying 17.280 bulk liter country liquor in a motorcycle bearing registration No. CG 11 BB 8192 which was seized by the police. He 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 on the basis of the quantity of liquor so seized from the applicant, though fairly conceded that there is no 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 18

days, charge sheet has not yet been filed, trial may take some time, the applicant is first offender, though the quantity of liquor so seized from the applicant is on the higher side, but on account of other facts and circumstances, 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Mahasamund, 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