

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2710 of 2017

1. Fagu Ram Dewangan S/o Angad Ram, aged about 40 Years, R/o Manikpur, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through The Excise Circle Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant – Shri S.S.Baghel, 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.01/2017 on 12-4-2017 by Excise Circle Dongargaon, District Rajnandgaon, 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 by the CJM Rajnandgaon, C.G. The applicant is first offender. This is the first bail application. There is no earlier criminal antecedent of the applicant. As per the allegation, 6.480 bulk liter country 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, though fairly conceded that the applicant had no earlier criminal antecedent.
4. Perused the entire material.
5. As the applicant is in jail since a month, charge sheet has not yet been filed, trial may take some time, the applicant is first offender and as submitted he will not commit any offence in future, looking to the quantity of liquor so seized from the applicant, I am inclined to grant one opportunity to the

applicant so that he shall not commit any 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.25000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Rajnandgaon, 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