

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2788 of 2017

- Jaylal Oti S/o Shri Chote Manjhi, Aged About 19 Years R/o Gram Kuderadadar, Police Station Piperchedi, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Chura, Civil & Revenue District Gariyabandh, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Anjinesh Shukla, Advocate.

For Non-applicant/State – Shri Wasim Miyan, 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.47/17 on 30-03-2017 by P.S. Chhura, Civil District Raipur, 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 Gariyaband, C.G. The applicant is first offender. This is the first bail application. As per the allegation, the applicant was carrying 9.000 bulk liter country liquor in a motorcycle bearing registration No. CG 04 DD 3968 which was ultimately seized by the police. The applicant is aged about 19 years. He will not commit any offence in future. He may be granted bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that there is no any earlier criminal antecedent noticed by the Chhura police.
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, aged about 19 years, on due consideration of the quantity of liquor so seized from the applicant, I am inclined to grant one opportunity to the applicant so that he shall not involve in any similar 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 Gariyabandh, 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