

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2752 of 2017

1. Gokul Prasad Nishad S/o Jagat Ram Nishad, Aged About 30 Years, R/o Village Pata, Police Station Tamnar, District Raigarh Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through The Police Station Tamnar District Raigarh Chhattisgarh

---- Non-applicant

For Applicant – Shri A.S.Rajput, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

15-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.81/17 on 06-04-2017 by P.S. Tamnar District Raigarh, C.G. for the offence under 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet, which is registered as Criminal Case No.194/17 pending before the CJM Raigarh, C.G. The applicant is first offender. This is the first bail application. He will not commit any offence in future. Trial may take some time. As per the allegation, from the possession of the applicant 30 bulk liter country liquor hand made and 1.620 bulk liter foreign liquor, in total 31.620 bulk liter liquor, has been seized. 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.
4. Perused the entire material.
5. As the applicant is in jail since about one month and 10 days, he is first offender, he had no any earlier criminal antecedent and as submitted he will

not commit any offence in future, though the quantity of liquor so seized is on the higher side, but looking to the facts and other circumstances as trial may take some time, I am inclined to grant one last opportunity to the applicant so that he shall not commit any offence in future and 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 Raigarh, 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