

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2794 of 2017

- Radheshyam Yadav, S/o Dayaram Yadav, aged about 50 years, R/o Village – Bastipara Khamhariya, Police Station – Seepat, Civil and Revenue District – Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station – Seepat, District – Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dharmesh Shrivastava, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

05-06-2017

1. I.A. No.1/2017, application for urgent hearing and I.A. No.2/2017, application for hearing during summer vacation stand disposed of.
2. Heard the matter finally.
3. The applicant has preferred this application for grant of bail as he is arrested on 04-04-2017 in connection with Crime No.70/2017 registered in Police Station – Seepat, District - Bilaspur, Chhattisgarh for offence punishable under Section 34(2), 34 & 59(a) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police has filed charge sheet which is pending before Judicial Magistrate First Class, Bilaspur as Criminal Case No. 1374/2017.
4. Learned counsel for the applicant would submit that this is first bail application and the applicant is the first offender and as per allegation 51.840 bulk liter of the country made liquor has been seized from his possession. He will not commit any offence in future. He may be granted bail during the trial.

5. Per contra, learned counsel for the State/respondent opposed the argument advanced on behalf of the applicant on the basis of huge quantity of liquor so seized, though fairly submits that there is no any criminal antecedents of the applicant.
6. Perused the entire matter.
7. On due consideration, as the applicant is in jail since 2 months and 1 day, first offender, though the quantity of liquor so seized is on higher, charge sheet has been filed, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime in future. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs. 50,000/- each to the satisfaction of the Judicial Magistrate First Class Bilaspur, District Bilaspur, CG for his appearance before the said trial Court as and when directed till trial.
8. 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.
9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge