

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2846 of 2017

- Dwarika Prasad Jaiswal S/o Manglu Jaiswal, Aged About 50 Years, R/o Bodtara Kala, Police Station and Tehsil Lormi, Civil District Bilaspur and Revenue District Mungeli Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police of Police Station Lormi, Civil District Bilaspur and Revenue District Mungeli Chhattisgarh

---- Non-applicant

For Applicant – Shri Pallav Mishra, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.129/2017 on 12-4-2017 by P.S. Lormi, Civil District Bilaspur, 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 Mungeli, C.G. The applicant is first offender. This is the first bail application. As per the allegation, he was in illegal possession of 16.200 bulk liter country liquor. He will not commit any offence in future. He may be granted bail during trial as the trial may take some time.
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 the applicant had no earlier criminal antecedent.
4. Perused the entire material.
5. On due consideration, as the applicant is in jail since one month and one week, he is first offender, though the quantity of liquor so seized from the applicant is on higher side, but looking to the fact that the applicant had no

criminal past prior to the incident and as prayed he will not involve in any offence, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any crime 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Mungeli, 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