NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3311 of 2017

- Vijay Sahu S/o Ganesh Sahu, Aged About 30 Years, R/o Raweli, Police Station Piparia, Tehsil Kawardha, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Excise Officer Circle Kawardha, District Kabirdham, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.
For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

09-06-2017

1. Heard on I.A.No.1/2017 for urgent hearing and I.A.No.2/2017 for hearing the case during summer vacation.

2. On due consideration, both the above applications are hereby disposed of.

3. Heard the matter finally.

4. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.03/2017 on 09-04-2017 by P.S. Excise Officer Circle Kawardha, District Kabirdham, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Learned counsel for the applicant would submit that he is not aware whether the said prosecution agency had filed the charge sheet before the concerned court or not till date. As per his information, earlier the charge sheet was not filed and the applicant was remanded by the CJM Kawardha, District Kabirdham, C.G. The applicant is first offender. This is first bail application. As per the allegation, 16.200 bulk liter country liquor has been seized. The applicant will not commit any offence in future. He may be granted bail during trial.

5. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of quantity of liquor so seized from the applicant, though fairly conceded that there is no criminal

past of the applicant.

6. Perused the entire material.

7. As the applicant is in custody since two months, trial may take some time, the applicant is first offender, though the quantity of liquor so seized is on the higher side, but on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any crime and shall live 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 Kawardha, C.G. for his appearance before the said 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

Aadil