

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3124 of 2017

- Dev Kumar @ Fagu S/o Bhikari Ram @ Koram Aged About 26 Years, R/o Village Matkakasa, Police Station Chhuriya, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station Chhuriya, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

07-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.71/2017 by P.S. Chhuriya, District Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 on 16-04-2017. Charge sheet has not yet been filed. The applicant is remanded by the CJM Rajnandgaon, C.G. The applicant is first offender. This is the first bail application. He had no earlier criminal antecedent. As per the allegation, from the applicant 20 bulk liter hand made country liquor has been seized. He will not commit any similar offence in future. He may be granted one opportunity to remain in 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, though fairly conceded that there is no any criminal past of the applicant.
4. Perused the entire material.
5. As the applicant is in jail since 1 month and 23 days, charge sheet has not yet been filed, trial may take some time, the applicant is first offender, though quantity of liquor so seized from the applicant is on the higher side, but

on due consideration, 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, instant MCRC is 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 Rajnandgaon, C.G. for his appearance before the said 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)
Vacation Judge