

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3132 of 2017

- Nikhil S/o Ravindra, Aged About 19 Years, R/o Deendayal Colony, House No. 60, Bhilai, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kumhari, District- Durg, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Wasim Miyan, Advocate.

For Non-applicant/State – Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.19/17 by P.S. Kumhari, District- Durg, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 on 19-04-2017. After investigation police had filed the charge sheet, which is pending before the JMFC Bhilai -3, District Durg, C.G. as Criminal Case No.299/17. The applicant is first offender. The applicant had no any earlier criminal antecedent. As per the allegation, from the applicant 78.480 bulk liter liquor has been seized along with Maruti Car bearing registration No. CG 09 0301. He will not commit any offence in future. He is aged about 19 years. He may be given an 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 huge quantity of liquor so seized from the applicant, though fairly conceded that there is no any earlier criminal antecedent recorded against the applicant.
4. Perused the entire material.
5. As the applicant is in jail since 1 month and 21 days, charge sheet has been filed, the applicant is first offender, aged about 19 years, though quantity of liquor so seized from the applicant is on the higher side, but on account of entire

consideration and fact that trial may take some time, I am inclined to grant one last 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 1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- to the satisfaction of the Judicial Magistrate First Class Bhilai-3, District Durg, 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. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Kumhari, District Durg, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against him. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE