

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3257 of 2017

- Mahesh Das Vaishnav S/o Sukrit Das Vaishnav, Aged About 19 Years, R/o. Pardhi Para Ward No. 2, Karanja Bhilai, Tahsil and District Durg (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through : The District Magistrate Durg, District Durg (Chhattisgarh)

---- Non-applicant

For Applicant – Shri Praveen K. Dhurandhar, Advocate.

For Non-applicant/State – Shri Anant Bajpai, 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.99/17 on 17-02-2017 by Outpost Jevra, P.S. Pulgaon, District Durg, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is pending before the JMFC Durg, C.G. as Criminal Case No.2296/17. The applicant is first offender. This is the first bail application. As per the allegation, 7.200 bulk liter country liquor has been seized from the applicant. He will not commit any offence in future. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that there is no earlier criminal antecedent of the applicant.
4. Perused the entire material.
5. As the applicant is in custody since three months and 23 days, he is first offender, he had no earlier criminal antecedent, charge sheet has been filed, trial may take some time, 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, 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class 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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge