

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3252 of 2017

- Laidas S/o Antram Satnami, Aged About 35 Years, R/o Village Cherkadhih, Ghasidas Chowk Pallari, Police Station Pallari, District-Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Office, Police Station Pallari, District Balodabazar- Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Hemant Gupta, Advocate.

For Non-applicant/State – Shri U.K.S. Chandel, 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.151/17 on 17-04-2017 by P.S. Pallari, District Baloda Bazar- Bhatapara, 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 Balodabazar, C.G. Trial may take some time. The applicant is first offender. This is the first bail application. The applicant had no earlier criminal antecedent. He will not commit any offence in future. As per allegation, 21.780 bulk liter country liquor has been seized from the applicant. 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 quantity of liquor so seized from the applicant and also submitted that earlier complaint No. 146/17 on 31 March, 2017 has been registered under Section 107, 116 (3) of the Cr.P.C. for preventive proceedings against the applicant. Hence, the instant MCRC may be dismissed.
4. Perused the entire material.
5. The applicant is in custody since one month and 22 days, he had never involved in any offence but for the matter aforementioned which was for

preventive proceedings, charge sheet has not yet been filed, trial may take some time, though quantity of liquor so seized from the applicant is on the higher side, but as the applicant had no earlier criminal antecedent of similar or any other offence, 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, 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Baloda Bazar, 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