

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3319 of 2017

- Bhuru @ Panchram Pal S/o Shri Klaram Pal, Aged About 36 Years, R/o Village Singarpur, Police Station Bhatapara (Gramin), District-Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Station House Officer Police Station Bhatapara (Gramin), District- Balodabazar- Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Dheerendra Pandey, Advocate.

For Non-applicant/State – Shri Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-06-2017

1. Heard on I.A.No.1/2017 for urgent hearing and I.A.No.2/2017 for hearing the matter in summer vacation.
2. On due consideration, both the interim applications are 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.135/2017 on 09-04-2017 by P.S. Bhatapara (Gramin), District- Balodabazar-Bhatapara, 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 CJM Balodabazar, C.G. as Criminal Case No.414/17. The applicant is first offender. As per the allegation, 6.300 bulk liter country liquor has been seized. The applicant will not commit any offence in future. He may be granted an opportunity to remain in bail during trial.
5. 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 any criminal past of the applicant.
6. Perused the entire material.
7. As the applicant is in custody since two months, he is first offender,

charge sheet has been filed, trial may take some time, looking to the entire facts including the quantity of liquor so seized, 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Balodabazar, 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