

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3322 of 2017

- Rajendra Dhruw S/o Shri Punit Ram Dhruw, Aged About 32 Years, R/o Village Nayapara Parsada, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Sirgitti, Bilaspur, District Bilaspur, 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.122/2017 on 04-04-2017 by P.S. Sirgitti, Bilaspur, 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 Bilaspur, C.G. as Criminal Case No.1404/17. The applicant is first offender. This is the first bail application. As per the allegation, from the applicant 19.260 bulk liter hand made country liquor has been seized. He will not commit any offence in future. He may be granted bail during trial.
5. 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, though fairly conceded that there is no any criminal antecedent reported against the applicant by the police.
6. Perused the entire material.
7. As the applicant is in jail since two months and 5 days, he is first

offender, he had no criminal antecedent, though the quantity of liquor so seized is on the higher side, but on consideration of the entire facts, 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Bilaspur, 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