

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3340 of 2017

- Premnarayan Netam S/o Chattar Singh Netam, Aged About 32 Years, Caste Gond, R/o Village Chalkipara, Police Station & Post Office Mainpur, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mainpur, District Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

09-06-2017

1. Heard on I.A.No.2/2017 for urgent hearing and I.A.No.3/2017 for hearing the case during summer vacation.
2. On due consideration, both the above applications are hereby 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.28/2017 on 30-03-2017 by P.S. Mainpur, Civil District Raipur, 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 Gariyaban09-06d, C.G. as Criminal Case No.391/17. The applicant is first offender. This is first bail application. As per the allegation, 9.00 bulk liter country liquor has been seized from the applicant. The applicant 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 criminal antecedent reported against the applicant.
6. Perused the entire material.

7. As the applicant is in jail since two months and 11 days, charge sheet has been filed, trial may take some time, the applicant is first offender, on consideration of the period of detention and other 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.30,000/- with one solvent surety of the like sum to the satisfaction of 09-06the Chief Judicial Magistrate Gariyaband, 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