

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3485 of 2017

- Rupendra Kumar Todar S/o Shri Rajendra Todar, Aged About 21 Years, (wrongly mention in order Tokar) R/o Village Parsada, Cricket Stadium Police Station Mandir Hasaud, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through the Excise Circle, Raipur, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Sanjay Kumar Dewangan, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

19-06-2017

1. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.03/2017 on 06-04-2017 by Excise Circle, Raipur, 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 Raipur, C.G. as Criminal Case No.3528/17. The applicant is first offender. This is the first bail application. As per the allegation, 16.920 bulk liter country liquor and foreign liquor has been seized from the applicant. He will not commit any offence in future. He may be granted bail during trial as the trial may take some time.

2. 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 earlier criminal antecedent of the applicant.

3. Perused the entire material.

4. As the applicant is in jail since two months and 13 days, charge sheet has been filed, trial may take some time, the applicant is first offender, he had no criminal antecedent, though the quantity of liquor so seized from the applicant is on the higher side, but on consideration of the other facts, 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Raipur, C.G. for his appearance before the said Court as and when directed till trial.

5. 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.

6. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge