

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3484 of 2017

- Surendra Jayaswal S/o Shri Jagdeesh Jaiswal, Aged About 42 Years, R/o Mado, Police Station Nayeegadhi, District- Reewa, Madhya Pradesh, Presently R/o - Nitin Guest House, Telipara, Bilaspur, Police Station City Kotwali, Tahsil and District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station Civil Lines, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Malay Kumar Bhaduri, Advocate.

For Non-applicant/State – Shri Arvind Shukla, 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.216/2017 on 28-03-2017 by P.S. Civil Lines, 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 CJM Bilaspur, C.G. as Criminal Case No.1624/17. Trial may take some time. The applicant is first offender. This is the first bail application. As per the allegation, from the applicant 46.800 bulk liter beer has been seized. He will not commit any offence in future. He may be granted bail during trial.
2. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of huge quantity of beer, i.e, foreign 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 21 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 foreign liquor, i.e., beer so seized from the applicant is on the higher side, but looking to the other facts, period of detention and the fact that the applicant is the first offender, 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.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- each to the satisfaction of the Chief Judicial Magistrate Bilaspur, 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