

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3569 of 2017

- Manoj Kumar Gond S/o Santram Gond, Aged About 22 Years, Caste Gond, R/o Village Kandanara, Tahsil & Police Station Sakti, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Of Police Station Sakti, District Janjgir Champa, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Sumit Singh, Advocate.

For Respondent – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is held arrested in connection with Crime No.97/2017 by P.S. Sakti, District Janjgir-Champa, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 on 01-04-2017. After investigation police had filed the charge sheet which is pending before the CJM Janjgir, Distt. Janjgir-Champa, C.G. as Criminal Case No.343/2017. The applicant is first offender. This is the first bail application. As per the allegation, 19.245 bulk liter country liquor has been seized from the applicant. He will not commit any offence in future. He may be granted bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant, though fairly conceded that there is no any earlier criminal antecedent of the applicant.
4. Perused the entire material.
5. As the applicant is in custody since two months and 20 days, charge sheet has been filed, trial may take some time, though quantity of liquor so

seized from the applicant is on higher side, but on consideration of the entire facts and also the facts that the applicant is first offender, aged about 22 years, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any offence 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 Janjgir, C.G. for his appearance before the said trial Court as and when directed by the trial Court.

6. 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.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE