

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3718 of 2017

- Baisakhu @ Munna S/o Tangu, Aged About 46 Years, R/o Village - Gatoura (Damdamapahri), Police Station - Masturi, District - Bilaspur, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through : Station House Officer, Police Station, Masturi, District - Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Amit Kumar Sahu, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

22-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.131/2017 on 01-4-2017 by P.S. Masturi, District - 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.1575/2017. The applicant is first offender. This is the first bail application. As per the allegation, 35.100 bulk liter country liquor has been seized from the applicant. He will not commit any offence in future. He may be granted one opportunity to remain in 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 criminal past of the applicant regarding any of offence.
4. Perused the entire material.
5. As the applicant is in custody since 2 months and 22 days, charge sheet has been filed, trial may take some time, the applicant is first offender, though

the quantity of liquor so seized is on higher side, on consideration of 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Bilaspur, C.G. for his appearance before the said Court as and when directed.

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