

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3728 of 2017

- Samaru Pobiya S/o Dukalu Pobiya, Aged About 36 Years, Occupation Labour, R/o Tribhouna, Police Station & Tahsil Pusore, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pusore, District Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.R.Sahu, Advocate.

For Non-applicant/State – Shri Vinod Tekam, 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.73/2017 on 08-5-2017 by P.S. Pusore, District Raigarh, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. The matter is under investigation; charge sheet has not been filed; the applicant is remanded by the CJM Raigarh, C.G. The applicant is first offender. This is first bail application. As per the allegation, 9 bulk liter country liquor has been seized from the applicant along with motorcycle CG 13 R 6661. 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 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 one month and 14 days, charge sheet has not yet been filed, trial may take some time, the applicant is first

offender, upon consideration of the entire 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 the Chief Judicial Magistrate Raigarh, 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