

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3879 of 2017

- Ramaashray S/o Kamleshwar Yadav, Aged About 24 Years, R/o Village Devsundra, Police Station Palari, District Balodabazar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Office Police Station Palari, District Balodabazar, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Basant Kaiwartya, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

12-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.178/2017 on 09-5-2017 by P.S. Palari, District Balodabazar-Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation charge sheet has been filed, which is pending before the CJM Balodabazar-Bhatapara, C.G. as Criminal Case No.477/17. Trial may take some time and as per the allegation, from the applicant 27 bulk liter country liquor has been seized. He will not commit any offence in future. The applicant 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 the applicant had no any criminal past.
4. Perused the entire material.
5. As the applicant is in custody since 2 months and 3 days, charge sheet has been filed, trial may take some time, the applicant is first offender, he had never committed any offence as per the facts surfaced, though the quantity of liquor so seized from the applicant is on the higher side, on due consideration,

I am inclined to grant one 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.50,000/- with two solvent sureties of Rs.25,000/- to the satisfaction of the Chief Judicial Magistrate Balodabazar-Bhatapara, C.G. for his appearance before the said court as and when directed till trial.

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