

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3860 of 2017

- Umendra Singh Baya S/o Agnu Baya Aged About 39 Years, R/o Nawagaon (Tarra), Police Station Rakhi, District Raipur, Chhattisgarh. Mob. 8223834973

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Rakhi, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Ms. Samishti Solomon, Advocate.

For Non-applicant/State – Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

05-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.17/2017 on 31-01-2017 by P.S. Rakhi, District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet which is pending before the JMFC Raipur, C.G. as Criminal Case No.2364/2017. The applicant is first offender. This is the first bail application. As per the allegation, 5.760 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 and also submitted that earlier Crime No. 120/14 under Section 34(1)(a) of the Act, 1915 has been registered against the applicant. Hence, the instant MCRC may be dismissed.
4. Perused the entire material.
5. As the applicant is in custody since 5 months and 6 days till date, charge sheet has been filed, trial may take some time, the matter earlier registered against the applicant was bailable one, on 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Raipur, 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