

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3925 of 2017

- Manish Singh Rajput S/o Ramraj Rajput, Aged About 34 Years, R/o Gatapar Kala, Police Station & Tahsil Khairagarh, Civil & Revenue District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police of Police Station Khairagarh, Tahsil Khairagarh, Civil & Revenue District Rajnangaon Chhattisgarh

---- Non-applicant

For Applicant – Shri Ratnesh Kumar Agrawal, 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.149/2017 on 21-5-2017 by P.S. Khairagarh, District Rajnangaon C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed. The applicant is remanded by the Additional CJM Khairagarh, Distt. Rajnandgaon, C.G. As per the allegation, 10.800 bulk liter liquor has been seized from the applicant. The applicant is first offender with no criminal antecedent. He will not commit any offence in future. Trial may take some time. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State 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 present applicant.
4. Perused the entire material.
5. As the applicant is in custody since one month and 21 days till date, charge sheet has not yet been filed, trial may take some time, the applicant is first offender with no criminal antecedent, 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 offence in future 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 Additional Chief Judicial Magistrate Khairagarh, District Rajnandgaon, 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