

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4041 of 2017

- Chowa Ram Thakur S/o Sundar Singh, Aged About 45 Years, R/o Village Birekchhar, Police Station Ghumka, Tahsil & District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Excise Circle Ghumka, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Aditya Bhardwaj, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

25-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.05/2017 on 28-05-2017 by P.S. Ghumka, District Rajnandgaon, 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 CJM Rajnandgaon, C.G. as Criminal Case No.1762/17. As per the allegation, from the possession of the applicant 8 bulk liter hand-made country liquor has been seized. He will not commit any offence in future. Trial may take some time. He may be granted an opportunity to remain in bail till 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 applicant.
4. Perused the entire material.
5. As the applicant is in custody for since 1 month and 27 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender, looking to the entire facts, 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.30,000/- with one solvent surety of the like sum to the satisfaction of the CJM 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