

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4111 of 2017

- Shouki Lal Khute S/o Ganesh Ram Khute, Aged About 50 Years, R/o Village Karrabhauna, Police Station Basna, Mahasamund, Tahsil & District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh through Police Station Basna, Chouki Bhawarpur, Mahasamund, District Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ravi Kumar Bhagat, Advocate.

For Non-applicant/State – Shri U.K.S.Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28-06-2017

1. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.217/2017 by Outpost Bhawarpur, P.S. Basna, Distt. Mahasamund, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 on 20-05-2017. The matter is still under investigation. Charge sheet has yet not been filed and the applicant is remanded by the CJM Mahasamund. The applicant is first offender. He will not commit any offence in future. Trial may take some time. He may be granted bail during trial.
2. Learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that there is no any earlier criminal antecedent of the applicant.
3. Perused the entire material.
4. As the applicant is in custody since 1 month and 8 days, quantity of liquor so seized from the applicant is 6 bulk liter hand made country liquor, he had 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 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 Chief Judicial Magistrate Mahasamund, C.G. for his appearance before the said Court as and when directed.

5. 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.

6. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE