

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4140 of 2017

- Nawal Kishor @ Jhankhar Sidar S/o Shri Milap Ram, Aged About 20 Years, Caste Bhaina, R/o Village Kalama, Police Station Chandrapur, Civil & Revenue District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chandrapur (Wrongly Mentioned Through The District Magistrate Janjgir) Civil & Revenue District Janjgir-Champa, Chhattisgarh.

----Non-applicant

For Applicant – Shri Paras Mani Shriwas, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

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.60/2017 on 30-05-2017 by P.S. Chandrapur, District- Janjgir-Champa, 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 Janjgir-Champa, C.G. as Criminal Case No.549/17. As per the allegation, from the applicant 13 bulk liter hand-made country liquor has been seized. He will not commit any offence in future. He may be granted 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 the quantity of liquor so seized from the applicant though fairly conceded that the applicant was never involved in any crime prior to the incident.
4. Perused the entire material.
5. As the applicant is in custody for since 1 month 25 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender, though the quantity of liquor so seized from the applicant is on higher side, but 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 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 CJM Janjgir-Champa, 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