

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4252 of 2017

- Ajit Kumar Gond S/o Babulal Gond, Aged About 35 Years, R/o Sawariya Dera Tundri, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh through the Station In-charge, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vivek Shrivastava, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

01-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.220/17 on 30-5-2017 by P.S. Bilaigarh, District Baloda Bazar Bhatapara, 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 registered as Criminal Case No.429/17 and pending before the JMFC Baloda Bazar, Distt. Baloda Bazar Bhatapara, C.G. Learned counsel for the applicant would further submit that the applicant is first offender. As per the allegation, from the applicant 10 bulk liter hand-made country liquor has been seized. The applicant will not commit any offence in future. Trial may take some time. 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 quantity of liquor so seized, though fairly conceded that the applicant had no any criminal antecedent prior to the incident.
4. Perused the entire material.
5. As the applicant is in custody since 2 months and 3 days till date,

charge sheet has been filed, trial may take some time, the applicant had no criminal antecedent, 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Baloda Bazar/Trial Court, as the case may be, 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