

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4281 of 2017

- Sanju Verma S/o Indrajeet Verma, Aged About 19 Years, R/o Village Chingali, Police Chowki Jalbandha, Khairagarh, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the Incharge, Out Post Jalbandha, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Smt. Savita Tiwari, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

31-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.164/2017 on 03-06-2017 by Out Post Jalbandha, Police Station Khairagarh, District Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. The matter is still under investigation. The applicant is remanded by the Addl. CJM, Khairagarh, Distt. Rajnandgaon, C.G. The applicant is first offender with no criminal antecedent and as per the allegation, 5.040 bulk liter country liquor has been seized from the applicant. He will not commit any offence in future. 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, though fairly conceded that there is no criminal antecedent of the applicant.
4. Perused the entire material.
5. As the applicant is in custody since 1 month and 28 days till date, charge sheet has not yet been filed, trial may take some time, the applicant is first offender with no criminal antecedent and as submitted, he will not commit any offence in future, 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 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