

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4334 of 2017

- Jageshwar Sahu S/o Bhukhan Lal Sahu, Aged About 49 Years, R/o Koida, Post Koida, Out Post Lawan, Police Station Kasdol, Tahsil Balodabazar, Civil & Revenue District Balodabazar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate / Station House Officer, Police Station Pachpedi, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.P. Lahrey, Advocate.

For Non-applicant/State – Shri Anant Bajpaim, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

24-07-2017

1. Heard on I.A.No.1/2017 for urgent hearing of the matter on the ground that wife of the applicant is suffering from typhoid fever and admit in CHC Lawan and there is no any other male member to take care. The application is supported by necessary documents.
2. On due consideration, I.A.No.1/2017 is hereby allowed.
3. With the consent of the parties, the matter heard finally.
4. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.49/2017 on 15-6-2017 by P.S. Pachpedi, District Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. The matter is still under investigation; charge sheet has not yet been filed. The applicant is remanded by the JMFC Bilaspur, C.G. As per the allegation, he was in illegal possession of 11.760 bulk liter country liquor. He will not commit any offence in future. He may be granted bail during trial.
5. 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 there is no any other criminal antecedent against the applicant prior to the incident.

6. Perused the entire material.

7. As the applicant is in custody since 1 month and 9 days, charge sheet has not yet been filed, trial may take some time, the applicant is first offender, though the quantity of liquor so seized from the applicant is on the 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.50,000/- with two solvent sureties of Rs. 25,000/- each to the satisfaction of the Judicial Magistrate First Class Bilaspur, C.G. for his appearance before the said Court as and when directed till trial.

8. 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.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge