

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4605 of 2017

- Hari Prasad Koshle S/o Anjor Das Koshle, Aged About 50 Years, R/o Village Rourpur, Police Station & District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Bemetara, District Bemetara Chhattisgarh.

---- Respondent

For Applicant – Shri Amit Kumar Sahu, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.381/17 on 21-6-2017 by P.S. Bemetara, District Bemetara C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation charge sheet has been filed, which is pending before the CJM Bemetara, C.G. as Criminal Case No.1011/17. Learned counsel for the applicant would further submit that the applicant is first offender and as per the allegation, from the applicant 5.220 bulk liter foreign 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, though fairly conceded that there is no any criminal antecedent of the applicant.
4. Perused the entire material.
5. As the applicant is in custody since 1 month and 20 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender with no any criminal antecedent, upon 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Bemetara, 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