

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4697 of 2017

- Shivcharan S/o Ghuruwa Kurmi, Aged About 62 Years, R/o Ward No. 08, Bodla, Police Station & Tahsil Bodla, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Officer, Excise Circle Bodla, District Kabirdham, Chhattisgarh.

---- Non-applicant

For Applicant – Shri P.P. Sahu, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

17-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.13/17 on 17-6-2017 by investigating agency, Excise Circle Bodla, District Kabirdham, 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 Kawardha, Distt. Kabirdham. The learned counsel is not aware of the criminal case number. It is submitted that the applicant is first offender. He will not commit any offence in future and as per the allegation, from the applicant 10 bulk liter hand made country liquor has been seized. He may be granted bail till trial as the trial may take some time.
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 from the applicant, though fairly conceded that the applicant had never involved in any of offence.
4. Perused the entire material.
5. As the applicant is in custody since 2 months till date, charge sheet has been filed, trial may take some time, the applicant is aged about 62 years, he is

first offender with no criminal antecedent, 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 Chief Judicial Magistrate Kawardha, 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