

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4736 of 2017

- Santosh Sahu S/o Pawan Sahu, Aged About 27 Years, R/o Village Arjuni, Police Station and Tahsil Baloda Bazar, Civil and Revenue District- Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh S/o Through: Excise Circle Baloda Bazar, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Wasim Miyan, 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.54/2017 on 30-6-2017 by the investigating agency Excise Circle Baloda Bazar, District- Baloda Bazar- Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act. After investigation police had filed the charge sheet, which is pending before the CJM Baloda Bazar as Criminal Case No.563/17. Learned counsel for the applicant would further submit that the applicant is first offender, aged about 27 years. He had no earlier criminal antecedent and as per the allegation, 5.400 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 any earlier criminal antecedent of the applicant.
4. Perused the entire material.
5. As the applicant is in custody since 1 month and 18 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender with no any criminal antecedent, after consideration of the entire facts,

I am inclined to grant one 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 Baloda Bazar, C.G. for his appearance before the said trial 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