

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4894 of 2017

- Keshav Yadav S/o Late Lakhan Yadav, Aged About 24 Years, R/o Behind Old High Court Tikrapara, P. S. City Kotwali, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant – Shri Gaurav Saxena, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

22-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.284/2017 on 06-7-2017 by P.S. City Kotwali, District- Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has yet not been filed, the applicant is remanded the JMFC Bilaspur, C.G. As per the allegation, the applicant and co-accused Golu @ Khujali Pasi were going in a motorcycle along with 7.200 bulk liter foreign liquor. The co-accused who was driving the motorcycle absconded from the spot and the police seized the motorcycle and liquor from the applicant. The applicant had never involved in any similar crime, he is aged about 24 years. 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 and would submit that earlier on 25-07-2007 a matter under Section 13 of the Gambling Act has been registered against the applicant. Hence, looking to the criminal antecedent, the instant MCRC may be dismissed.
4. Perused the entire material.

5. As the applicant is in custody since 1 month and 16 days till date, charge sheet has yet not been filed, trial may take some time, though about 10 years ago one matter as aforementioned was registered, but the said matter was bailable one and committed about 10 years ago by the applicant, 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.30,000/- with one solvent surety of the like sum 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.

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