

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4999 of 2017

- Jodhan Sahu S/o Shri Khorbahara, Aged About 65 Years, R/o Village Kishungarh, Police Station and Tahsil Pandariya, Civil & Revenue District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandariya (wrongly mentioned through the District Magistrate Kabirdham), Civil & Revenue District Kabirdham Chhattisgarh.

---- Non-applicant

For Applicant – Shri Paras Mani Shriwas, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

23-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.95/2017 on 25-6-2017 by P.S. Pandariya, District Kabirdham, Chhattisgarh 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, C.G. as Criminal Case No.594/17. Learned counsel for the applicant would further submit that the applicant is aged about 65 years. He is first offender, he will not commit any offence in future and as per the allegation, from the applicant 10.800 bulk liter country liquor has been seized. 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 on the basis of the quantity of liquor so seized from 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 28 days till date, charge sheet has been filed, trial may take some time, the applicant is aged about 65 years, he is first offender with no criminal antecedent, after 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