

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5097 of 2017

- Devlal Ekka S/o Shri Gabriel Ekka, Aged About 22 Years, R/o Village Chikatwani, Thana & Tahsil Dharamjaygarh, Civil & Revenue District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Dharamjaygarh, District Raigarh Chhattisgarh.

---- Non-applicant

For Applicant – Shri Sumit Shrivastava, Advocate.

For Non-applicant/State – Shri Anant Bajpai Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.210/2017 on 19-07-2017 by P.S. Dharamjaygarh, District Raigarh, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet been has not yet been filed, the applicant is remanded by the CJM Raigarh. Learned counsel for the applicant would further submit that the applicant is aged about 22 years, he will not commit any offence in future and as per the allegation, from the applicant 15 bulk liter hand made 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 quantity of liquor so seized from the applicant, though fairly conceded that the applicant had no criminal antecedent prior to the incident.
4. Perused the entire material.

5. As the applicant is in custody since 1 month and 9 days till date, charge sheet has not yet been filed, the applicant is aged about 22 years, he is first offender, no criminal antecedent is reported for the applicant, 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Raigarh, 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. It is further directed that till conclusion of the trial the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Dharamjaygarh, District Raigarh, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge