

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5130 of 2017

- Surendra Yadav S/o Late Ashok Yadav, Aged About 20 Years, R/o Ward No.7 Shitala Talab, Near Ma Shitala Mandir Gate, Indra Nagar, Supela, Bhilai, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Berla, District Durg Chhattisgarh.

---- Non-applicant

For Applicant – Shri Akath Kumar Yadav, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

29-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.48/2017 on 20-2-2017 by P.S. Berla, District Bemetara, 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 Bemetara, C.G. as Criminal Case No.287/17. Learned counsel for the applicant would further submit that on account of clerical mistake he had mentioned the name of Civil District, Revenue District as Durg, C.G., but the present matter is nothing to do with Durg District, the matter is in relation with District Bemetara, hence, the petition may be taken into consideration with the said fact. Learned counsel for the applicant would further submit that the applicant is aged about 20 years, he is first offender, he will not commit any offence in future and as per the allegation, from the applicant 17.280 bulk liter foreign 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 the applicant had no criminal antecedent prior to the incident.

4. Perused the entire material.

5. As the applicant is in custody since 6 months and 9 days till date, charge sheet has been filed, the applicant is aged about 20 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 Bemetara, 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