

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5126 of 2017

- Prabhu Nishad S/o Mohan Nishad, Aged About 29 Years, R/o Sat Imli, Shivpara, Police Station City Kotwali, Durg Tahsil & District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, Tahsil & District Durg Chhattisgarh

---- Non-applicant

For Applicant – Shri Jitendra Shukla, Advocate.

For Non-applicant/State – Shri UKS Chadel, 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.447/2017 on 08-7-2017 by P.S. City Kotwali, Durg, District Durg, Chhattisgarh 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 by the CJM Durg. Learned counsel for the applicant would further submit that the applicant is first offender, he will not commit any offence in future and as per the allegation, from the applicant 5.625 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, though fairly conceded the applicant had no criminal antecedent.
4. Perused the entire material.
5. As the applicant is in custody since 1 month and 21 days till date, charge sheet has yet not been filed, trial may take some time, the applicant is

first offender, 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Durg, 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