

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5254 of 2017

- Dhaniram Dhritlahre S/o Premdas Dhritlahre, Aged About 40 Years, R/o Village Gidpuri, Police Station Pachpedi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pachpedi District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Suresh Tandan, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

31-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No70/2017 on 23-07-2017 by P.S. Pachpedi District Bilaspur,, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not been filed yet, the applicant is remanded by the JMFC Bilaspur. Learned counsel for the applicant would further submit that the applicant is first offender and as per the allegation, the applicant and two other co-accused Dharmendra Jangade and Mithun Jangade were in joint possession of 8 bulk liter hand made country liquor, when the police party reached to the spot, the other two co-accused fled away from the spot and from the present applicant the said liquor was seized. He will not commit any offence in future. He may be granted bail during trial as the trial may take some time.
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.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 8 days till date, charge sheet has not yet been filed, trial may take some time, the applicant 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.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