

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5275 of 2017

- Sunil Soni, S/o Late Anadi, Aged About 21 Years, R/o Indira Colony Potiy Road Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate District Durg, Chhattisgarh, For S H O P.S. Kotwali Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri Avinash Chand Sahu, Advocate.
For Respondent/State : Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

31.08.2017

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 26/07/2017, in connection with Crime No. 511/2017, registered in Police Station Durg, Distt. Durg (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that charge-sheet is not yet filed and the applicant has been remanded by the Chief Judicial Magistrate, Durg (C.G.). Learned counsel for the applicant would further submit that the applicant is the first offender. He will not commit any offence in future. As per the allegation, from the applicant 5.760 bulk litre of country liquor has been seized along with Activa Scooter bearing Registration No. CG 07 L 6355. The applicant

will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant though fairly considered that there is no criminal antecedent of the applicant.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody for 1 month 5 days till date, charge-sheet is not yet filed, trial may take some time, applicant is aged about 21 years and there is no criminal antecedent reported against the applicant, after consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. 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 like some amount to the satisfaction of Chief Judicial Magistrate, Durg (C.G.) for his appearance before the said Court regularly as and when directed by the said Court for their appearance before the said Court regularly as and when directed by the said Court.

9. 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 applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the

applicants does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicants 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.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge