

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5345 of 2017

- Ganpat S/o Shri Rameshwar Jangde, Aged About 38 Years, R/o Village Kenvatadih Tangar, Police Station - Pachpedi, Civil & Revenue District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station Pachpedi, Civil & Revenue District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vishvanath Shrivastava, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

05-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.60/2017 on 07-07-2017 by P.S. Pachpedi, District Bilaspur, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation charge sheet been filed, which is pending before the JMFC Bilaspur, C.G. as Criminal Case No.2701/17. 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 6 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 and also as earlier Crime No.16/17 under Section 36(C) of the Act, 1915 has been registered against the applicant.
4. Perused the entire material.
5. As the applicant is in custody since 1 month and 28 days till date,

charge sheet has been filed, trial may take some time, though earlier a matter has been registered against the applicant, but as the said matter was bailable one, 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 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