

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5439 of 2017

- Prakash Tiwari @ Baua S/o Gaya Prasad Tiwari, Aged About 24 Years, R/o Chunabhatti, Police Station Ganj, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ganj, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.K.Sahu, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

07-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.291/2017 on 07-08-2017 by P.S. Ganj, District Raipur, 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 Raipur. 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 5.400 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 on the basis of quantity of liquor so seized, though fairly conceded that the applicant had no criminal antecedent.
4. Perused the entire material.
5. As the applicant is in custody since 1 month till date, he is aged about

24 years and as submitted he will not commit any offence in future, 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 Raipur, 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