

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5498 of 2017

- Budhru Pardhi, S/o Likhan Pardhi, Aged About 30 Years, R/o Village Boirdih, P. S. Lalbagh District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Excise Circle Ghumka District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri S.S. Baghel, Advocate.

For Non-applicant/State : Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

12.09.2017

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime (Excise) No. 65/2017 on 14/08/2017 by Investigating Agency Excise Circle Ghumka, Distt. Rajnandgaon (C.G.) for the offence under Section 34 (2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that after investigation, police had filed charge-sheet which is pending before the Chief Judicial Magistrate, Rajnandgaon (C.G.) as Criminal Case No.2769/17. Learned counsel for the applicant would further submit that applicant is the first offender. As per allegation, from the applicant 5.220 bulk litre country liquor has been seized, as the trial may take some time, he is the first offender and he will not commit

any offence in future, he may be granted bail during the trial.

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

5. Perused the entire material.

6. As the applicant is the first offender, he is in custody since last 30 days till date, charge sheet has been filed, trial may take some time and there is no criminal antecedent reported against the applicant, on 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, the instant MCRC 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, Rajnandgaon (C.G.) for his 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 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; (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.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge