

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5562 of 2017

- Karan Devar, S/o Kamal Devar, Aged About 30 Years, R/o Devarapara, Kukarbeda, Police Station Sarswati Nagar, Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Raipur Chhattisgarh

---- Respondent

For Applicant : Shri Manish Thakur, Advocate.

For Non-applicant/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

14.09.2017

Heard the matter finally.

2. At the outset, learned counsel for the applicant would submit that on account of clerical error, he has wrongly mentioned the Crime No.97/17 but the Crime No.94/17 is correct. Hence, correct Crime No. may be considered this statement is recorded. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.94/2017 on 17/07/2017 by Police Station Saraswati Nagar, Distt. Raipur (C.G.) for the offence under Section 34 (2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits applicant is remanded by Judicial Magistrate First Class, Raipur (C.G.). But learned counsel is not aware whether subsequently charge-sheet

has been filed or not or if filed what is the Criminal Case No., learned counsel for the applicant would submit that as per allegation, from the applicant 5.400 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 applicant had no criminal antecedent.

5. Perused the entire material.

6. As the applicant is the first offender and he is in custody since 1 month and 27 days till date, charge sheet may be filed or may not be filed till date, trial may take some time and there is no criminal antecedent reported against the applicant, on consideration of 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 Remand Court/Trial Court (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