

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5729 of 2017

- Manoj Nishad S/o Kishan Nishad, Aged About 22 Years, R/o Village Ragitola, Police Station Chichola, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Circle Chichola, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

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

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime (Excise) No.69/2017 on 28-08-2017 by the investigating agency, Excise Circle Chichola, District Rajnandgaon, 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 CJM Rajnandgaon. 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 5.580 bulk liter foreign liquor has been seized. The applicant 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, though fairly conceded that the applicant had never involved in any crime prior to the incident.
4. Perused the entire material.
5. As the applicant is in custody since 24 days till date, charge sheet has not been filed yet, trial may take some time, the applicant is aged about 22

years, he is first offender with no criminal antecedent, 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 Chief Judicial Magistrate Rajnandgaon, 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