

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5791 of 2017

- Santosh Paswan S/o Late Deva Ram Paswan, Aged About 42 Years, Caste Dusadh, R/o Village Gangapur, Police Station Gandhi Nagar, Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Gandhi Nagar, District Surguja, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ashish Gupta, Advocate.

For Non-applicant/State – Shri U.K.S.Chanel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

25-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.247/2017 on 04-08-2017 by Police Station Gandhi Nagar, District Surguja, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet, which is presently pending before the CJM Ambikapur, District Surguja, C.G. as Criminal Case No.1205/2017. 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 13 bulk liter hand made country liquor has been seized. The applicant may be granted one opportunity to remain in bail during trail as the trial may take some time.
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 there is no any criminal antecedent of the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 21 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender and as submitted he was never involved in any offence, 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Ambikapur, District Surguja, 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. It is further directed that till conclusion of the trial the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Gandhi Nagar, District Surguja, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to

the Bench.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge