NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5903 of 2017

Shanker Mahanand S/o Shri Ichchharam Mahanand, Aged About 50 Years R/o Ward No.13, Fulwaripara Bagbahra, Thana Bagbahra, Civil & Revenue District Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Bagbahra, District Mahasamund, Chhattisgarh

---- Respondent

For applicant — Mr. Sumit Shrivastava, Adv.
For Respondent/State — Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

9-10-2017

1. Heard finally.

2. The applicant has preferred this application for grant of bail as he is arrested on 29-8-2017 in connection with Crime No. 190/2017 registered in PS Bagbahra, Distt. Mahasamund (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.

3. Learned counsel for the applicant submits that charge sheet is not yet filed, applicant is remanded by the CJM Mahasamund. This is his first bail application before this Court. He is first offender. As per allegation, 9.900 bulk litre foreign liquor has been seized from the conscious possession of the applicant. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.

4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant on the basis of the quantity of the liquor so seized from the applicant. However he fairly concedes that no criminal antecedent of the applicant is reported by the police in the case diary.

5. Perused the matter.

6. On due consideration, as the applicant is the first offender, he is in jail since 1 month and 11 days till date, charge sheet is not yet filed, trial may take some time, and as submitted he will not commit any crime in future and considering entire facts of the case, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is 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 CJM Mahasamund CG for his appearance before the said Court regularly as and when directed by the said Court.

7. 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.

8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak