

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5969 of 2017

- Narsingh S/o Salik Ram, Aged About 20 Years, R/o Village Thelkadih, P. S. & Tehsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Rajnandgaon District Rajnandgaon Chhattisgarh.

---- Non-applicant

For Applicant – Shri Dashrath Prajapati, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

09-10-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.259/2017 on 01-09-2017 by P.S. Khairagarh, 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 ACJM Khairagah District Rajnandgaon, C.G. Learned counsel for the applicant would further submit that the applicant is first offender, he is aged about 20 years, he will not commit any offence in future and as per the allegation, from the applicant 7.200 bulk liter foreign liquor has been seized and Rs.1640/- as sale proceeds has been seized. He may be granted bail during trial 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 and submitted that as the applicant is involved in illegal sale of liquor, hence the instant MCRC may be dismissed, though fairly conceded that there is no any earlier criminal antecedent of the applicant.
4. Perused the entire material.

5. As the applicant is in custody since 1 month and 9 days till date, charge sheet has not been filed yet, trial may take some time, the applicant is aged about 20 years, he is first offender and as submitted, he will not commit any offence in future, 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Additional Chief Judicial Magistrate Khairagarh, District 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