

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5951 of 2017

- Kishan Yadav S/o Shri Manharan Yadav Aged About 26 Years
R/o Village- Manikchawri, Bazarpara, Police Station - Pachpedi ,
Civil & Revenue District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Pachpedi, Civil & Revenue District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Paras Mani Shriwas, Advocate.
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

09.10.2017

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No. 71/2017 registered in Police Station Pachpedi, District Bilaspur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.
3. Learned counsel for the applicant would submit that the applicant has been arrested on 27.08.2017. After investigation police had filed charge-sheet against the present applicant and co-accused Mayank Sahu which is pending before

Judicial Magistrate First Class Bilaspur, C.G. as Criminal Case No. 3126/2017. The co-accused granted bail by this Court in MCRC No. 5252/2017 dated 31.08.2017. The case of the present applicant is similar to that of co-accused Mayank Sahu and as per fact surfaced, he was not caught at the spot on the date of incident i.e. 23.07.2017 and as per allegation all the three accused persons absconded when they saw police people. Co-accused Suraj @ David Sahu a Juvenile granted bail by the Juvenile Justice Board, Bilaspur, C.G., trial may take some time and as per allegation all the three accused persons were in conscious possession of 30.600 bulk liters of country made liquor. He may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant on the basis of the quantity of liquor so seized, and as the present applicant absconded from the spot, though fairly conceded that the applicant has no criminal antecedent.
5. Perused the entire material.
6. As the applicant is in custody for 1 month 14 days till date, charge-sheet has been filed, trial may take some time, co-accused granted bail by this Court case of the present applicant is similar to the co-accused Maynank Sahu also there is no criminal past of the applicant, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society.

7. Consequently, the instant MCRC is hereby allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of Judicial Magistrate First Class Bilaspur, for his appearance before the said Court as and when directed.
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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Panchpedi, District Bilaspur, on every 1st and 3rd Monday of every month at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent reason and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without

further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

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

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge