

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5971 of 2017

- Ishwar Prasad S/o Bihari Nishad, Aged About 30 Years R/o Oteband Police Chowki Karhi Bazar P.S. Balodabazar, District Balodabazar, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chowki Karhi Bazar, P.S. Balodabazar, District Balodabazar, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Amit Kumar, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

11.10.2017

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. 357/2017, registered in out post Karhi Bazar Police Station Baloda Bazar, District Baloda Bazar (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 30.08.2017. Charge-sheet is

not yet filed, and the applicant is remanded by Chief Judicial Magistrate Baloda Bazar, (C.G.). As per allegation, from the applicant 5.580 bulk liters country liquor has been seized. Learned counsel for the applicant would submit that the applicant is the first offender and he will not commit any offence in future, as the trial may take some time for its conclusion, 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, though fairly conceded and that the applicant had no criminal antecedent.
5. Perused the entire material.
6. As the applicant is in custody for 1 month 13 days till date, charge-sheet is not yet filed, trial may take some time for its conclusion, he is the first offender, there is no criminal antecedent reported against the applicant, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he may 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 furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate Baloda Bazar, (C.G.), 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. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge