

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3427 of 2016

- Ajay Kumar Manhar S/o Dasruram Manhar Aged About 31 Years R/o Village Adarsh Nagar, Sirgitti, Ward No. 04, Police Station Sirgitti, District Bilaspur, Chhattisgarh. -- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. C.K. Kesarwani Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 297 of 2016 registered at P.S. Civil Lines, Bilaspur, Distt. Bilaspur (C.G) for the offence punishable under Sections 25, 27 of the Arms Act.
2. As per the prosecution case, on 16.05.2016, one revolver six rounds and 3 live cartridges were seized from the possession of the applicant. The applicant was not having any license and could not produce the documents, as such, the offence has been registered.
3. Learned counsel for the applicant would submit that the applicant has been inculpated on the memorandum of one Malik Ram Verma and the seizure was made from an auto deal shop and the allegations of the prosecution is that the

arms which were seized was a property stolen from the Malkhana of Court and nothing is on record to substantiate the same and no report of theft of Malkhana is on record. He submits that no further investigation is necessary in this case, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail and submits that as per the FIR while investigating another crime number, the fact came to fore that the applicant has purchased the revolver with cartridges. He further submits that investigation is still going on and the charge sheet has not been filed, therefore, the applicant may not be enlarged on bail.
5. Perused the case diary. The FIR contains the fact that in another Crime No.296/2016 registered u/ss 399, 402 IPC & Sections 25 & 27 of the Arms Act, memorandum of Malik Ram Verma was recorded and on such memorandum when the raid was conducted, arms were recovered from the applicant which were stolen from the Malkhana of District Court. A perusal of the case diary further shows that the investigation is still going on.
6. Considering the facts and circumstances and the degree of allegations levelled against the applicant and the gravity of offence, I am not inclined to release him on bail. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**