

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2358 of 2016

Mohammed Aasif, S/o Mohamed Rafik, aged about 34 years,
Occupation Readymade Cloth Business, R/o Nehru Nagar, Nearby
Shyam Kirana Shop, Police Station Kotwali, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Gole Bazar, Raipur, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. C.K. Sahu, Advocate.
For Non-applicant:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/05/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.37/2016, registered at Police Station Gole Bazaar, Raipur, Distt. Raipur, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. Case of the prosecution, in brief, is that, 8.600 bulk litres of liquor was seized from the possession of the present applicant.
3. Learned State counsel would submit that the applicant was earlier arrested on 29-6-2012 for having committed offence under the Chhattisgarh Excise Act. He was also arrested for committing offence under Section 4A of the Public Gambling Act.
4. From the documents submitted by the applicant, it would appear that in the case under the Chhattisgarh Excise Act, he has already been acquitted by the Additional Chief Judicial Magistrate, Raipur on 3-8-2012.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of

liquor seized from the applicant and also considering that the applicant is in custody since 3-4-2016, I am of the view that it is a fit case to enlarge the applicant on bail. Accordingly, the application is allowed.

6. It is directed that in the event of applicant's executing a personal bond for a sum of Rs.25,000/- with two sureties for the like amount to the satisfaction of the trial Court concerned, he shall be released on bail. He is directed to appear before the trial Court on each and every date given by the said Court. It is made clear that if the applicant involves himself in the offence of similar nature in future, this order granting bail to the applicant shall automatically stand cancelled without reference to the Bench.

Sd/-
Vacation Judge
(Prashant Kumar Mishra)