

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1875 of 2017**

Umesh Kumar Peswani S/o Late Bhagwan Das Peswani, Aged About 28 Years R/o Ward No. 7, Chakarbhatha, Police Station Chakarbhatha, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O., Police Station Chakarbhatha, District Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Mr. Aditya Gupta, Adv. under the authority of Mr. Sunil Otwani, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 3-3-2017 in connection with Crime No. 73/2017 registered in PS Chakarbhata, Distt. Bilaspur CG for offence punishable under Section 34 sub-section (2) of the CG Excise Act. Charge sheet has been filed before the Judicial Magistrate First Class, Bilha.
3. Learned counsel for the applicant submits that the applicant is the first offender with no criminal antecedent of similar offence. He is in jail for more than a month. As per allegation 5.250 bulk litre liquor has been seized from him, at the same time another offence relation to Gambling Act has been registered. He is a permanent resident of Chakarbhata. If granted bail, he will not repeat the crime.
4. Per contra, learned counsel for the State opposes the argument advanced by learned counsel for the applicant and submits that earlier two more cases under Section 13 of the Gambling Act have been registered against the applicant on 1-8-2015 and 20-6-2016. In both the cases, charge sheet has been filed before the concerned court

and on the date of incident, one more offence under Section 13 of the Gambling Act has been registered in addition to the present matter. Though there was no history of involvement of the present applicant in the similar offence i.e. under the CG Excise Act however looking to the criminal antecedent of the applicant, the bail application may be rejected.

5. Perused the case diary.
6. On due consideration, as the applicant is in jail for more than a month, I am inclined to grant bail to the applicant. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class, Bilha CG for his appearance before the said Court regularly as and when directed by the said Court.
7. 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 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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge