

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2274 of 2017**

- P I Akbar S/o Shri Ibrahim Aged About 45 Years R/o Near J D Office Dalli Rajhara Police Station Rajhara, District - Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Rajhara, Police Station - Rajhara, District- Balod Chhattisgarh

---- Respondent

For Applicant : Shri Saleem Kazi, Advocate
 For Respondent/State : Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.4.2017**

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.36/2017 registered in Police Station Rajhara, Distt. Balod for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 09.02.2017, charge sheet has been filed before Chief Judicial Magistrate, Balod which has been registered as Criminal Case No.50/2017, the applicant is the first offender, and as per the allegation, 10.800 liters of liquor has been seized

from the applicant. The applicant will not commit any offence in future, hence, he may be granted bail.

4. Learned counsel for the State opposes the bail application and would fairly submit that earlier following matters have been registered against the applicant.

Sl. No.	Crime No.	Offence U/s.
01.	204/90	4A of the Public Gambling Act, 1867
02.	58/93	4A of the Public Gambling Act, 1867
03.	7/94	151, 107 & 116 of Cr.P.C.
04.	309/95	13 of the Public Gambling Act, 1867
05.	192/2000	147, 148, 307, 452 of IPC

As there are criminal antecedent against the applicant, his bail application may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for more than 2 ½ months, charge sheet has been filed, the applicant was involved in the offence lastly about 17 years ago, I am inclined to grant one last opportunity to the applicant, so that he will not commit any offence in future.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- with one surety in the like sum to the satisfaction of Chief Judicial

Magistrate, Balod 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; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE