

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2916 of 2017

- Uttam Sahu S/o Bhondu Sahu, Aged About 35 Years, R/o Village Bandha Bazar Tahsil & Police Station Ambagarh Chauki, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ambagarh Chauki, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant – Shri S.S.Baghel, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

19-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.65/2017 on 17-04-2017 by P.S. Ambagarh Chauki, District Rajnandgaon, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet, which is presently pending before the CJM Rajnandgaon as Criminal Case No.1615/17. Learned counsel for the applicant would further submit that the applicant will not commit any offence in future and as per the allegation, from the applicant 20 bulk liter hand made country liquor has been seized. Trial may take some time. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of quantity of liquor so seized from the applicant and also as 25 matters have been registered against the applicant prior to the incident:-

Sr. No.	Crime No./Complaint No.	Section
1.	88/2005	151 of the Cr.P.C.
2.	206/2005	107, 116 of the Cr.P.C.

3.	100/2005	151 of the Cr.P.C.
4.	245/2005	107, 116 of the Cr.P.C.
5.	1/2006	110 of the Cr.P.C.
6.	7/2006	41(2) of the Cr.P.C.
7.	7/2006	109 of the Cr.P.C.
8.	86/2007	4A of the Public Gambling Act, 1867 (in short 'the Gambling Act')
9.	9/2008	110 of the Cr.P.C.
10.	22/2009	4 of the Gambling Act
11.	47/2009	341, 294, 506 of the IPC
12.	207/2010	13 of the Gambling Act
13.	72/2011	4 of the Gambling Act
14.	12/2011	151 of the Cr.P.C.
15.	54/2011	107, 116 of the Cr.P.C.
16.	6/2011	110 of the Cr.P.C.
17.	172/2013	4A of the Gambling Act
18.	209/2013	4A of the Gambling Act
19.	92/2014	4A of the Gambling Act
20.	235/2014	4A of the Gambling Act
21.	177/2015	4 of the Gambling Act
22.	187/2015	294, 506/34 of the IPC
23.	4/2015	110 of the Cr.P.C.
24.	131/2016	34(2) of the C.G. Excise Act, 1915 (in short 'the Excise Act')
25.	1/2017	34(2) of the Excise Act

4. Perused the entire material.

5. On consideration of 25 matters registered against the applicant, also there is no facts surfaced regarding any of the matters by filing any document regarding fate/status of the said matters and also after consideration of the quantity of liquor so seized, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge