

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4214 of 2017

- Samir Ahmad S/o Jamir Ahmad, Aged About 23 Years, R/o Madarasa Gali, Subhash Nagar Maudaha Para Raipur, Police Station Ganj Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through it's Police Station Ganj Raipur Civil & Revenue District Raipur Chhattisgarh

---- Non-applicant

For Applicant – Shri B.L.Sahu, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that he has not been instructed regarding registration of the three matters against the applicant prior to the incident as surfaced in the order sheet dated 26-07-2017.
3. Learned counsel for the applicant would further submit that the applicant held arrested in connection with Crime No.372/2016 on 28-12-2016 by P.S. Ganj, District Raipur, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet, which is presently pending before the JMFC Raipur, C.G. as Criminal Case No.24183/16. Learned counsel for the applicant would further submit that the the applicant will not commit any offence in future. He is in custody since about 9 months and the sentence maximum may be awarded is R.I. for one year only. Hence, the applicant may be enlarged on bail looking to his long detention period.
4. Per contra, learned counsel for the non-applicant/State would submit that against the applicant following matters have been registered prior to the

incident:-

Sl.No.	Crime No.	Section
01.	269/2015	25 of the Arms Act, 1959
02.	169/2015	25 of the Arms Act, 1959
03.	126/2016	34(2) of the Act, 1915

5. Perused the entire material.

6. As the applicant has not stated any fact regarding outcome of the aforementioned criminal cases against the applicant including two cases under the provision of Arms Act, 1959 and one of similar nature, with the above we don't know what was the charges surfaced and what was the final outcome in the said matters and as they are of year 2015, it appears that prima facie the applicant had criminal antecedent as three matters have been registered against him. Also on perusal of the provisions of Section 34(2) of the Act, 1915, any one convicted thereunder may be given punishment upto R.I. for three years along with fine which may extend to one lac rupees and in case of subsequent offence any person may be sentenced R.I. for minimum two years which may extend to R.I. for 5 years and fine upto two lac rupees, with this, the submission of learned counsel for the applicant is not correct that the applicant may be convicted only for one year. On consideration of the entire facts, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge