

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5010 of 2017**

- Jitendra @ Jitu Gupta, S/o Late Govind Gupta, Aged About 38 Years, Occupation Vegetable Work, R/o Bhojnalaya Gali, Malviya Road, Gole Bazar, Raipur, Distt. Raipur, Chhattisgarh Mob. 7999797757.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gole Bazar Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri A.D. Kuldeep, Advocate.
For Respondent/State	: Shri Neeraj Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 05/07/2017, in connection with Crime No. 215/2017, registered in Police Station Gole Bazar, Distt. Raipur (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that charge-sheet is not yet filed and the applicant has been remanded by Judicial Magistrate First Class Raipur (C.G.). Learned counsel for the applicant would further submit that the applicant is the first offender and no criminal antecedent has been reported against him. As per the allegation, from the applicant 7.560 bulk litre of foreign liquor has

been seized. The applicant will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant on the basis of following criminal matters registered against the applicant.

S.No.	Crime No./ Complaint No.	Offence U/S
1.	42/09	4(a) of the Gambling Act, 1867.
2.	16/21/10	4(a) of the Gambling Act, 1867.
3.	57/10	4(a) of the Gambling Act, 1867.
4.	116/17	151 (3) of the Cr.P.C.
5.	86/10	4(a) of the Gambling Act, 1867.
6.	36/10	151, 107, 116 (3) of the Cr.P.C.
7.	87/10	4(a) of the Gambling Act, 1867.
8.	150/10	4(a) of the Gambling Act, 1867.
9.	57/87/10	151, 107, 116 (3) of the Cr.P.C.
10.	22/10	110 of the Cr.P.C.
11.	23/11	4(a) of the Gambling Act, 1867.
12.	106/12	4(a) of the Gambling Act, 1867.

5. Perused the matter.

6. As the applicant is in custody for 1 month 23 days till date, charge-sheet is not yet filed, trial may take some time, and applicant was never involved in any of the similar offence prior to the incident. Though the applicant was involved in aforementioned matters prior to the incident in which 4 matters were in relation with preventive proceedings and rest of the matters were in relation with Gambling Act 1867, which is bailable one, after consideration of the entire facts, I am inclined to grant last opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. The applicants are directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties each of Rs.25,000/- to the satisfaction of the JMFC Raipur (C.G.), for his appearance before the said Court regularly as and when directed by the said Court. for their appearance before the said Court regularly as and when directed by the said Court.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants 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 applicants remains absent without any sufficient and cogent reason.

10. The applicants are further directed to appear before the concerned SHO/IO/in-charge of the Police Station Gole Bazar, Distt. Raipur, (C.G.) **on every 1st and 3rd Monday at 11:00 am** till trial. If the applicants fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicants remains absent without any cogent reason and proper reason as directed, the bail granted to applicants shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

11. Register (Judicial) is directed to send a copy of this order to

the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge