

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5607 of 2017**

- Mohammad Shabbir S/o Shri Mohannaad Usman, Aged About 52 Years R/o Kasai Gali, Baijnathapara, Post Office- Raipur, Police Station Kotwali, Raipur, Tahsil & District Raipur (CG)

---- Applicant

Versus

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

---- Respondent

 For Applicant : Shri Shivendu Pandya, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

13.9.2017

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.276/2017 registered in Police Station Gol Bazar, Distt. Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 11.8.2017, after investigation, police has filed charge sheet which is presently pending before Judicial Magistrate First Class, Raipur as Criminal Case No.6426/2017. As per the allegation, 7.560 bulk liters of foreign liquor has been seized from the possession of the applicant. Learned counsel for the applicant would submit that the the applicant is the first offender, never involved in any of the similar offence, he will not commit any offence

in future, as the trial may take some time for its conclusion, he may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant on the basis of quantity of liquor so seized and earlier following matters registered against the applicant prior to the incident.

Sl. No.	Crime No.	Offence U/S.
01.	47/2001	4A of Public Gambling Act, 1867
02.	57/2002	4A of Public Gambling Act, 1867
03.	215/2004	4A of Public Gambling Act, 1867
04.	90/2006	4A of Public Gambling Act, 1867

5. Perused the entire material.

6. The applicant is in custody for one month and two days, charge sheet has been filed, the trial may take some time for its conclusion, he never involved in similar or other penal offence but for the afore mentioned offence under Section Gambling Act that too also more than 11 years ago, upon considering the entire facts, I am inclined to grant one last opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society.

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 solvent surety of like sum amount to the satisfaction of concerned

trial Judge 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