

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 03-11-2020Order delivered on 09-11-2020MCRC No. 6328 of 2020

1. Mohd. Arif, S/o Mohd. Muktkim Miya, aged about 36 years, Occupation Driver, R/o Dindayal Colony, Raigarh, Chhattisgarh

Permanent R/o Gram Manjholi, Post Dumariya, Dist. Gaya, Bihar.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station City Kotwali, Dist. Raigarh Chhattisgarh

---- Respondent

For Applicant Mr. Vivek Mishra, Advocate

For Respondent /State Ms Fouzia Mirza, Addl. Adv. General

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.478/2020, registered at Police

Station City Kotwali, Raigarh (CG), for the offence punishable under Sections 25 & 27 of the Arms Act.

3. Applicant was found to be in illicit possession of one country made revolver; one 12 bore single barrel gun; five live rounds of 315 mm cartridge; four 315 mm empty cartridge; two SLR live cartridge; five 12 bore live cartridge; one 12 bore empty cartridge; and eight iron balls (*chharra*).
4. Learned counsel appearing for the applicant would submit that the applicant is presently out of jail, as he has been released on parole after one month of arrest. He would submit that the offence under Section 27 of the Arms Act is not made out against the applicant.
5. On the other hand, learned counsel appearing for the State would oppose the bail application.
6. Considering the fact that the applicant is presently released on parole and the offences are triable by the Judicial Magistrate First Class, I am of the opinion that present is a fit case to release the applicant on regular bail with the following conditions :-
 - he shall appear before the concerned Police Station on first day of every month during pendency of trial;
 - he shall not get involved in any criminal offence during the pendency of trial;

- registration of any criminal case against him would entail automatic withdrawal/ cancellation of this bail order and the concerned Police shall be entitled to arrest him immediately on registration of fresh criminal case against him after informing the trial Magistrate;
- the applicant shall execute a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court; and
- he shall appear before the trial Court on each and every date given by the said Court.

7. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri