

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3847 of 2015

Garibin Bai W/o Pam Tahal Satnami, aged asbout 60 years, R/o
Village - Navagon, P.S. - Pallari, District - Baloda - Bazar - Bhatapara,
(C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through : S.H.O. Excise Circle, Baloda Bazar,
District - Baloda Bazar - Bhatapara (C.G.)

---- Respondent

For Applicant : Shri Hemant Gupta, Advocate
For Respondent/State: Smt. Madhunisha Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

24/07/2015

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 14.07.2015 in connection with Crime No. 269 of 2015 registered at PS Excise Circle, Baloda Bazar Bhatapara for the offence punishable under Section 34 (2) of Excise Act.

As per the prosecution, on 14.07.2015, the applicant was found to be in possession of 10 bulk liters of country made liquor which was kept in her house. Subsequently, a case was registered against the applicant under the provisions of Excise Act and she was arrested in connection with the said offence.

Counsel for the applicant submits that the applicant was not the only inmate of the house to establish the exclusive possession of the applicant. He further submits that the applicant has been falsely implicated in this case and she is in jail since 14.07.2015, therefore, considering these facts the applicant may be released on bail.

Per contra, counsel for the State opposes the application for grant of bail.

Taking into consideration the quantity of liquor which is alleged to have been seized from the possession of the applicant and also the fact that there were other inmates also in the house from where the said liquor was seized, prima facie, I am of the opinion that it is a fit case where the present applicant can be released on bail.

Accordingly, the application for grant of bail is allowed. It is directed that if the applicant furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, she shall be released on bail. The applicant is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

**Sd/-
(P. Sam Koshy)
JUDGE**