

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.4934 of 2015**

Rajbai W/o Niranjana Satnami aged about 50 years R/o village Rengakathera
Out Post Jalbandha Tahsil Khairagarh District Rajnandgaon (CG)

---Applicant

Versus

State of Chhattisgarh through Police Station Khairagarh District
Rajnandgaon (CG)

---Non-applicant

For Applicant	:	Mr. Arun Kochar, Advocate
For Non-applicant	:	Mr. Dilmanrati Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/11/2015**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.237/2015, registered at Police Station Khairagarh District Rajnandgaon (C.G.), for the offence punishable under Section 34(2) of the Excise Act.

2. Case of the prosecution, in brief, is that, 8.640 bulk liters of illicit liquor was seized by the police from the present applicant.

3. Learned counsel for the State would submit that 10 cases have been registered against the present applicant and out of 10 cases, in 8 cases applicant has been acquitted. He would further submit that Crime No.380/2014 is pending against the applicant in Police Station Jalbandha, Tahsil Khairagarh, District Rajnandgaon, to which, learned counsel for the applicant would submit that which is being contested and Crime No.237/2015

is present one, in which, applicant's bail application has been rejected on 11/08/2015 in M.Cr.C. No.3640/2015, therefore, the present is second bail application.

4. I have heard counsel appearing for the parties and perused the case diary.

5. Taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915, and bearing in mind the principles of law laid down in **Banti Singh v. State of Chhattisgarh** (M.Cr.C. No.6846 of 2014, decided on 05.01.2015), if the facts of present case are examined, it is apparent that only 8.640 bulk liters of illicit liquor has been seized from the applicant, which is more than prescribed limit of 5 bulk liters, but looking to the fact that applicant is in custody from 05/07/2015 and case is triable by the Judicial Magistrate First Class and trial is likely to take some more time and further taking into account the nature and gravity of offence; applicant is woman and considering the fact that in 8 cases, applicant has already been acquitted and the State filed affidavit in support of the same; applicant is an woman and considering her long detention, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Court for her appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

- That, the applicant shall furnish a specific undertaking that while on bail, she will not commit any excise offence, otherwise bail granted to her shall be liable to be cancelled and shall co-operate the prosecution

during trial.

- That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

7. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari