

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2556 of 2016

Smt. Chamarin Bai Banjare W/o Chabiram Banjare, aged about 68 years, R/o village Darripara, Post Office and Police Station Fingeshwar, District Gariyaband, Chhattisgarh.

---- Applicant

versus

State of Chhattisgarh, Through Station House Officer Police Station Fingeshwar, District Gariyaband, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Shivendu Pandya, Advocate.

For Non-Applicant : Shri Anil Pandey, Government Advocate.

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

02/06/2016

1. The applicant has been arrested on 24.03.2016 in connection with Crime No. 32 of 2016 registered at Police Station, Fingeshwar, District Gariyaband, for the alleged commission of offence under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that the applicant was found in an illegal possession of 8.640 bulk liters of country made liquor.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and a false seizure has been made. He further submits that she has been arrested on 24.03.2016 on the allegation of being illegally possessed of 8.640 bulk liters of country made liquor. The applicant is in jail since 24.03.2016 and his further detention is no longer necessary as the investigation is complete and charge sheet has already been filed, therefore she may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application submitting that there is likelihood of misusing the liberty. The applicant is a habitual offender as earlier also, one case under the Excise Act has been registered. Therefore, the applicant is not entitled to grant of bail.

5. Having heard learned counsel for the parties, taking into consideration the totality of the circumstances and the quantity of liquor alleged to have been seized from the applicant and that she is in jail since 24.03.2016, investigation is complete and charge sheet has already been filed, further detention of the applicant during trial does not appear to be necessary, the application is allowed.

6. It is directed that the applicant shall be released on bail on furnishing a personal bond of Rs. 25,000/- alongwith one local surety for the like amount to the satisfaction of the trial court. She shall appear before the Court below on each and every date given to her by the said Court till disposal of the trial.

7. If the applicant is found involved in similar offence, the bail granted to her shall be liable to be cancelled on the motion of the State.

Certified copy, as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge