

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Criminal Case No.3414 of 2016**

Prembai @ Guddi, W/o Ramgopal, aged about 38 years, R/o Behind Civil Lines, Police Station Simga, Tahsil Simga, District Baloda Bazar – Bhatapara, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police of Police Station Simga, District Baloda Bazar – Bhatapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For State/Respondent	:	Shri Adhiraj Surana, Deputy Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

9/6/2016

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.131 of 2016 registered at Police Station Simga, District Baloda Bazar - Bhatapara (Chhattisgarh) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that 7.380 bulk litres of illicit country-made liquor was seized by the police from the present Applicant.
3. Learned Counsel for the Applicant submits that the present Applicant was found in possession of 7.380 bulk litres of illicit country-made liquor. He further submits that the Applicant is in jail since 19.5.2016. She has no criminal antecedent and has been falsely implicated in the case and, therefore, she may be released on bail.
4. On the other hand, Learned Counsel for the State opposes the bail application on the ground that there is a criminal track record of the

Applicant inasmuch as there are four other cases registered against her in the past.

5. I have heard Learned Counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, quantity of the liquor seized and also considering the fact that the Applicant is in jail since 19.5.2016 and that the record reveals that all the four cases registered against the Applicant in the past were not relating to Excise Act and the instant is the first case registered against her under the Excise Act, this Court is of the opinion that the present is a fit case in which the Applicant could be enlarged on regular bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- (Twenty Thousand) with two sureties in the like sum to the satisfaction of the trial Court and for her appearance before the said Court as and when directed.

9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge