

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3460 of 2016**

Radha Bai, W/o Ram Lal Sahu, aged about 45 years,
Occupation- House wife, R/o village: Padkideeh, Tahsil &
District Bemetara (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police
Station Nawagarh, District Bemetara (C.G.)

---- Non-applicant

For Applicant: Mr. Sudhir Verma, Advocate.
For Non-applicant/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/06/2016**

Heard.

(1) This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who is in jail since 25.04.2016 in connection with Crime No. 73/2016 registered at Police Station-Nawagarh, Distt. Bemetara for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

(2) Case of the prosecution, in brief, is that the applicant was found in illegal possession of 6.264 bulk liters of illicit liquor and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that the applicant is innocent, she has been falsely implicated in the instant case and no

liquor has been seized from her lawful possession. He further submit that the applicant is in judicial custody since 25.04.2016 and this is the first time where the applicant has been implicated under the Excise Act and therefore taking into consideration all these facts she may be enlarged on bail.

(4) Opposing the bail application, learned counsel for the State submits that the applicant was found to be in unlawful possession of 6.264 bulk liters of illicit liquor and therefore he is not entitled to be released on bail.

(5) Without commenting on merits, considering the totality of the facts & circumstances of the case and also considering the fact that the applicant is languishing in jail since 25.04.2016 and considering the quantity of liquor, this Court is of the opinion that the present is a fit case where the applicant can be enlarged on bail.

(6) Accused/applicant -**Radha Bai** is directed to be released on bail on her executing a personal bond in the sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the trial Court. She 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.

Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
V. Judge

D/-