

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3770 of 2016

Uttam Bai Mahilange, W/o Sukhchain, Aged About 60 Years, R/o Village Kopedi, Police Station - Bhakhara, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Excise Circle Dhamtari, Civil & Revenue District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. M.K. Jaiswal, Advocate
For Respondent/State	:	Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 99/2016 registered at Police Station- Excise Circle Dhamtari, District- Dhamtari (C.G.) for the offence punishable under Sections 34(1)(A), 34(2) of the Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 81 bulk liters and she was arrested on 07.06.2016.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 07.06.2016, therefore, she may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, she would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 81 bulk liters; offence is triable by the JMFC and the applicant is in jail since 07.06.2016, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge