

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4163 of 2016

- Smt. Dayawati @ Rajeshwari Sahu W/o Late Manoj Kumar Sahu Aged About 38 Years R/o Village Bhaansoj, Police Station Aarang, Tehsil Aarang, Civil & Rev. District Raipur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Excise Police Aarang Circle Raipur, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Raj Kumar Pali, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 107/2016 registered at P.S. Excise Police Aarang Circle, Raipur, Distt. Raipur (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, as per the prosecution case on when a raid was conducted by the Excise Police on 22.05.2016 from the possession of the applicant 9 bulk litres of illicit liquor was recovered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and seizure was not made in person from the applicant. He further submits that earlier also the applicant was implicated in similar case and she was acquitted by the Addl. A.C.J., Raipur in Criminal Case No.13603/2014 vide order dated 15.01.2016. It is further submitted that the charge sheet in this case has been

filed and the applicant is in jail since 22.05.2016, therefore, she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, she do not dispute the fact that earlier charge sheet against the applicant was filed u/s 34(A) of the C.G. Excise Act in Criminal Case No.13683/2014 wherein the applicant was acquitted by the ACJM, Raipur.
5. Considering the fact that quantity of liquor seized in this case is 9 bulk litres; charge sheet has been filed, offence is triable by the JMFC and looking to the detention of the applicant as she is stated to be in jail since 22.5.2016 as also the fact that in earlier case, the applicant was acquitted, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. She will also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAMBHADURI
JUDGE**