

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4517 of 2016

Kali Bai, widow of late Guha Ram, Aged About 50 Years, R/o Matiyari,
P.S. Seepat, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - The Excise Sub Inspector Range
Masturi, District Bilaspur Chhattisgarh.

--- Respondent

For Applicant : Ms. Nirupama Bajpai, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/08/2016

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. 113/2016 registered at – Police Station – Excise Sub Inspector Range Masturi, District Bilaspur (C.G.) for the offence punishable under Sections 34(1)(A), 34(2) and 59(A) of the C.G. Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 8 liters and she was arrested on 05.07.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 05.07.2016, therefore, she may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicants have 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 8 liters; offence is triable by the JMFC and the applicants are in jail since 05.07.2016, this Court is inclined to release the applicants 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.

Sd/-
(Goutam Bhaduri)
Judge