

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3312 of 2016

Smt. Laxmi Bai, W/o. Itwari Tandon, aged about 35 years, R/o. Village Silyari, Police Station and Tahsil Dharsiwa, District – Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Excise Sub-Inspector, Excise Circle – Dharsiwa, District – Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Sandeep Singh, Advocate
For Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

07/07/2016

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. 101/2016, registered at Police Station- Excise Circle - Dharsiwa, District – Raipur (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 18 bulk liters and she was arrested on 21.05.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 21.05.2016; therefore, she may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that no case under Section 34 (2) of Excise Act is

registered against the applicant. .

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 18 bulk liters; offence is triable by the JMFC and the applicant is in jail since 21.05.2016, 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