

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2896 of 2016

Muneshwari Bai W/O Shri Gohadul @ Gohandul Aged About 40 Years
Caste Nageshiya, Occupation Agriculture, R/O Village Sohaga
(Patarapara), Police Station Darima, Tahsil - Ambikapur, Distt. Sarguja
Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Darima, Distt. - Sarguja
Chhattisgarh.

---- Respondent

For Applicant : Mr. Rishi Rahul Soni, Advocate

For Respondent/State : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/06/2016

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. 47/2016 registered at Police Station- Darima, District – Sarguja (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 10 liters and she was arrested on 22.03.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 22.03.2016 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 10 liters; offence is triable by the JMFC and the applicant is in jail since 22.03.2016, 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