

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3421 of 2016

- Parmila Bai W/o Ratiram Pardhi Aged About 60 Years R/o Village (Wrongly Typed Gaj) Rajpur, P.S. Dhamdha, District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Dhamdha, District Durg, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. J.K. Gupta, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.06.2016

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. 151 of 2016 registered at P.S. Dhamdha, Distt. Durg(C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act
2. As per the prosecution case, on a raid being conducted by the Police on 04.05.2016, 39.240 bulk litres of illicit liquor was seized from the possession of the applicant
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and in fact no liquor was seized from her possession. He further submits that in earlier Criminal case No.97/2013 the applicant has been acquitted by order dated 28.01.2014 and subsequently in Criminal case No.1919/2014 she has been acquitted on 17.09.2014 and one case was registered u/s 34(1)(a) under the Excise

Act. It is further submitted that the applicant is a lady aged about 55 years and is in jail since 12.05.2016, therefore, she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents as also the statements.
6. A perusal of the case diary and other documents show that as many as six cases stand registered against the applicant i.e., 3 cases under Excise Act and the other cases under IPC and Cr.P.C. A perusal of the record would further show that after the applicant was bailed out in Criminal Cases during trial again the similar offence under the has been committed.
7. Taking into such antecedents, at this stage, I am not inclined to release the applicant on bail. Accordingly, it is rejected.
8. The petitioner shall be at liberty to renew the prayer after examination of the seizure witness.

Sd/-
GOUTAM BHADURI
JUDGE