

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5032 of 2016

- Smt. Shanti Bharti W/o Late Suresh Kumar Bharti Aged About 50 Years R/o Village Rakhi, Abhanpur, District Raipur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through The Police Station Rakhi, Raipur Chhattisgarh --- **Respondent**

For the applicant	: Mr. Ankur Agrawal, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.09.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 127 of 2016 registered at P.S. Rakhi, Distt. Raipur (C.G) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 26.280 bulk litres of illicit liquor was seized from the possession of the applicant.
3. On being pointed out that the applicant has past antecedent, learned counsel for the applicant would submit that earlier in the year 2007 the applicant has been falsely implicated in similar nature of offence registered vide Crime No.12/2007 for the offence punishable u/s 34-1(A) wherein she has been acquitted by the JMFC, Raipur vide order dated 29.10.2007, a copy of which has been placed on record. He further submits that in the instant case also the applicant has been falsely implicated as no seizure was made in person from her. He

further submits that the applicant is in jail since 24.07.2016 and she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that in earlier case, the applicant was acquitted.
5. Taking into consideration the fact that the quantity of seized liquor in this case is 26.280 bulk litres; offence is triable by the JMFC and the applicant is in jail since 24.07.2016 as also the fact that in earlier case the applicant was acquitted, this Court is inclined to release him on bail. Accordingly, this application is allowed.
6. 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 said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE