

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6257 of 2016

- Kavita Bai W/o Gandu Bhagel Aged About 25 Years R/o Village Hardi
Police Station Thakatpur Tahsil Thakatpur Bilaspur Chhattisgarh ---
Petitioner

Versus

- State of Chhattisgarh Through Abkari Circle Thakatpur District
Bilaspur Chhattisgarh --- **Respondent**

For the applicant	: Mr. Ashutosh Dwivedi, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.10.2016

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. 212 of 2016 registered at P.S. Abkari Circle, Thakatpur Distt. Bilaspur (C.G) for the offence punishable under Sections 34(1)(a), 34(2) & 59 (a) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 15 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 in this case as no seizure was made in person from him. He further submits that the applicant is in jail since 14.9.2016 and the alleged seizure having been made, no further investigation is necessary, therefore, she may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application. However, he submits that earlier no case of similar nature u/s 34(2) of the Excise Act was registered

against the applicant.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 15 bulk litres; offence is triable by the JMFC and the applicant is in jail since 14.09.2016 this Court is inclined to release her 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