

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7268 of 2016

Smt. Budhni Bai, W/o. Late Shobharam Kanwar, Aged About 65 Years,
Occupation Labourer, R/o. Village Telikot, Police Station Kharsiya, District
Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Thana In Charge Kharsiya, District
Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S.Baghel, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/11/2016

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.440/2016 registered at Police Station- Thana Kharsiya, District Raigarh (C.G.) for the offence punishable under Section 34(2), 59(a) of Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 12 bulk liters and she was arrested on 11.10.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 11.10.2016; therefore, she may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he 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 12 bulk liters, offence is triable by the JMFC and the applicant is in jail since 11.10.2016, 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.

Sd/-
(Goutam Bhaduri)
Judge