

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8603 of 2016

- Shashikala Yadav D/o Bhikham Yadav, Aged About 44 Years R/o Ward No. 15, Tikripara, Chhuikhadan, District- Rajnandgaon Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station- Chhuikhadan, District- Rajnandgaon Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Sanjeev Kumar Sahu, Advocate
For the Respondent	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

09.01.2017

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. 302/2016 registered at P.S. Chhuikhadan, Distt. Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police on 12.12.2016, from the possession of the applicant, 17.280 bulk litres of illicit liquor was seized.
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 her. He further submits that the applicant is in jail since 12.12.2016 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, she is not able to dispute the fact that

earlier any 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 only 17.280 bulk litres; offence is triable by the JMFC and the applicant is in jail since 12.12.2016 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