

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7 of 2017

- Fulwasan Bai W/o Udaram Sahu Aged About 55 Years R/o Pandari, Thana Abhanpur, Tehsil & District Raipur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Police Station Abhanpur, Raipur, Chhattisgarh. --- **Respondent**

For the applicant	: Ms. Supriya Upasne, Advocate
For the Respondent	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

07.02.2017

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. 314/2016 registered at Abhanpur, Raipur Distt. Raipur (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid was conducted by the Police on 01.11.2016, from the possession of the applicant 19.960 bulk litres of illicit liquor was seized thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no seizure was made in person from her. She placed on record the order sheets of the earlier case and submits that earlier also in similar nature of case the applicant was inculpated, however in the said case despite several dates being granted, evidence is not being recorded as the witnesses have not turned up. She further submits that the applicant who is a

lady is lodged in jail since 01.11.2016, therefore, she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. A perusal of the order sheets of the Court below relating to the earlier case would show that when the matter was taken up in that case on several dates i.e., 15.02.2016, 10.05.2016, 08.07.2016, 19.09.2016 & 16.12.2016 the matter was adjourned for evidence. Taking into such facts and circumstances and further looking to the quantity of liquor seized in this case as also the fact that the applicant is a lady of 55 years of age and she is in jail since 01.11.2016, this Court is inclined to release her on bail.
6. Accordingly, the bail application is allowed and 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 for her appearance before the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE