

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1516 of 2017

- Smt. Kastura Bai Yadav W/o Shri Saheb Lal Yadav, Aged About 50 Years R/o Bathoda, Police Station Lalbarra, District Balaghat, Madhya Pradesh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Kotwali, Civil & Revenue District Raipur, Chhattisgarh. -- **Respondent**

For the applicant	: Ms. Nand Kumari Kashyap, Advocate
For the Respondent	: Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

21.03.2017

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. 65 of 2017 registered at Police Station Kotwali, Distt. Raipur (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid was conducted by the Police on 11.2.2017, from the possession of the applicant 6.480 bulk litres of illicit liquor was seized.
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. He further submits that the applicant is in jail since 11.02.2017 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 is not able to dispute the fact that earlier any case of similar nature u/s 34(2) of the C.G. Excise

Act was registered against her.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is only 6.480 bulk litres; offence is triable by the JMFC and the applicant is in jail since 11.02.2017 this Court is inclined to release her on bail.
6. Accordingly, this application is allowed and the applicant is directed to be released on bail on 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 as and when directed.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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