

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1734 of 2017

1. Kavita Banjare W/o Shyam Charan Banjare, aged about 40 years, Caste Satnami, R/o Gram Avaspara, Jalbandha, Out Post Jalbandha, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through the Outpost Jalbandha, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Abhishek Pandey, Advocate.

For non-applicant – Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28-03-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested by police station Kairagarh in Crime No.53/17 under Section 34(2) of the C.G. Excise Act on 25-02-2017 and he is remanded by the ACJM, Khairagarh. Till more than one month he is in custody. He is the first offender. No any criminal antecedent earlier to the present incident were reported. As per allegation, 9 liters duty paid country liquor has been seized from her residence. The applicant is a lady aged about 40 years. She will not commit any offence in future. She may be enlarged on bail.
3. Per contra, learned counsel for the non-applicant/State would submit that earlier also on 28-02-2015 the applicant was arrested for illegal possession of duty paid liquor 5 liters 400 ml. and for the said charge sheet has been filed before the ACJM Khairagarh o 23-03-2015, with this, the applicant had involved earlier also.
4. Perused the matter. Earlier about 2 years ago, 5.400 liters liquor was seized from the applicant. Thereafter, in the present incident, 9 liters liquor is seized. The applicant is a woman though on behalf of the non-applicant/State

bail is opposed, I am inclined to grant one more opportunity to the applicant so that she may remain in the society without committing any further offence of similar nature.

5. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on her furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety of the like sum to the satisfaction of the ACJM, Khairagarh, C.G. for her appearance before the said trial Court as and when directed till conclusion of the trial.

6. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE