

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1861 of 2017**

Vimla Bai Sahu W/o Devlal Sahu, Aged About 38 Years R/o Near
House Of The Pandey, Santoshi Nagar, Police Station Tikrapara, Tahsil
& District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Tikrapara, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For applicant	Mr. P.K. Patel, Adv.
For Respondent/State	Mr. Neeraj Mehta, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as she is arrested on 5-3-2017 as per the order of CJM, Raipur in connection with Crime No. 125/2017 registered in PS Tikrapara, Distt. Raipur for offence punishable under Section 34 sub-section (2) of the CG Excise Act. As alleged, the applicant was found in illegal possession of foreign liquor of 5.400 litre. She is not having any criminal antecedent and she is first offender. If granted bail, she will not repeat the offence.
3. Per contra, learned State counsel submits that there are three other criminal cases reported during investigation against the applicant. As per said report, Crime No. 216/2016 under Section 34(1) of the CG Excise Act, Crime No. 42/2017 under Section 34A of the CG Excise Act, Crime No. 125/2017 under Section 34(2) of the CG Excise Act have been registered against the applicant which goes to show that she is not the first offender rather she is a habitual offender.
4. Perused the case diary.
5. On due consideration, in the opinion of this court, one more and last

opportunity may be granted to the applicant and she may be enlarged on bail.

6. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on her furnishing a personal bond in the sum of Rs. 40,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate, Raipur CG for her appearance before the said Court regularly as and when directed by the said Court.
7. 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: (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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge