

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2092 of 2017**

- Smt. Manju Banjare W/o Raju Banjare, Aged About 30 Years R/o Infront Of Semrock Hotel, Near Chhoti Railway Line, Pandri, Police Station Civil Lines Raipur, District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Civil Lines, Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Kishore Narayan, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08.5.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.169/2017, registered at Police Station Civil Lines, Raipur, Distt. Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that the present applicant and co-accused Gita Sahu were involved in illegal sale of 5.760 bulk liters liquor and police had seized the said liquor from the co-accused Gita Sahu.

4. Learned counsel for the applicant submits that from the present applicant nothing is seized. The applicant is in detention since 12.3.2017 for about 2 months just 3 days short. He submits that in Cr. Case No.15332/2015 and 641/2013 whereby the present applicant was prosecuted by the concerned JMFC, Raipur (CG) vide judgment dated 16.1.2017 and 29.5.2014 in which the applicant is acquitted in both the criminal cases. With this the applicant is not convicted by any of the criminal court. He further submits that applicant has no criminal background and has been falsely implicated in the case, and therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard the counsel appearing for the parties and perused the material.

7. On due consideration, as the applicant is in jail for about 2 months, 3 days short, nothing has been seized from the applicant though she was present at the spot and as submitted the applicant is acquitted in 2 matters of similar offence and she is not convicted by any criminal court, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the C.J.M. Raipur for her appearance before the said trial Court as and when directed.

10. 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 the above , the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**