

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2635 of 2017

1. Smt. Sewti Vaishnav W/o Mohardas Vaishnav, Aged About 40 Years, R/o Village Tendra Nawapara, Police Station Gharghoda, Present R/o Village Sambalpuri, Police Station & Tahsil Raigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station Chakradhar Nagar, Raigarh, District Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vineet Kumar Pandey, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.62/2017 on 02-4-2017 by P.S. Chakradhar Nagar, Raigarh, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is registered as Criminal Case No.197/2017. The applicant is first offender. She is a woman, she will not involve in any offence in future. As per the allegation, 35.280 bulk liter country liquor has been seized from the applicant. She may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that there is no any earlier criminal antecedent, but looking to the quantity of liquor so seized from the applicant, the instant MCRC may be dismissed.
4. Perused the entire material.
5. The applicant is a woman, she is in jail since 1 month and 9 days, she is first offender, no any earlier criminal antecedent is reported for the applicant, though the quantity of liquor so seized from the applicant is on the higher side,

but on due consideration, I am inclined to grant one last opportunity to the applicant so that she shall not involve in any similar offence and remain in society peacefully. 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 two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Raigarh, C.G. for her appearance before the said trial Court as and when directed till 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