

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2444 of 2017**

- Smt. Jakira Begam W/o Late Khair Mohammad Aged About 45 Years
R/o Ward No.7 Kandrapara, Dhamdha, Police Station- Dhamdha ,
District Durg, CG.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate District Durg,
Chhattisgarh

---- Respondent

For applicant	Mr. A.C. Sahu, Adv.
For Respondent/State	Mr. Neeraj Sharma, Dy. GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****3/5/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as she is arrested on 13-3-2017 in connection with Crime No. 45/2017 registered in PS Dhamdha, Distt. Durg for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that charge sheet is not filed, the applicant is remanded by the JMFC, Durg. This is her first bail application before this Court. She is first offender. She will not commit any offence in future if granted bail. She may be granted bail as the trial may take time. As per allegation, 27.180 bulk litre liquor has been seized from the conscious possession of the applicant without any licence or permission. Therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the bail application. He submits that against the applicant Crime No. 20/15 under Section 36(C), CG Excise Act, Crime No. 257/205 under Section 36(C), CG Excise Act have been registered and also matter regarding preventive proceeding

under Section 107 and 116, Cr.P.C. was registered which shows her criminal antecedent therefore bail application may be rejected.

5. Perused the matter.
6. On due consideration, as the applicant is a woman, she is in custody for 1 month and 22 days, though earlier one preventive proceedings and two matter under Section 36(C) of the CG Excise Act have been registered but looking to the nature of matter registered earlier and as submitted she will not commit offence in future I am inclined to grant one more opportunity to the applicant to live peacefully in the society without committing any crime. 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. 50,000/- with two solvent sureties of Rs. 25,000/- each to the satisfaction of the JMFC, Durg 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

