

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2546 of 2017

- Aaveda Begam alias Jubbi W/o Nawab Hussain, Aged About 48 Years, R/o Ward No. 08, Mahrapara, Gandai, Police Station Gandai, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Circle Gandai, Police Station Gandai, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Mirza Hafeez Baig, Advocate

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.73/2017 on 02-4-2017 by P.S. Gandai Distt. Rajnandgaon, 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 pending before the ACJM Khairagarh, Distt. Rajnandgaon, C.G. as Criminal Case No.206/17. The applicant is first offender. This is the first bail application. As per the allegation, 120 bulk liter country liquor has been seized from the applicant. The applicant is a woman, ailing, earlier she had not involved in any similar offence. She will not commit any offence in future. Learned counsel for the applicant would further submit that earlier Crime No.221/16 under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') has been registered for 1 Kg. 300 grams ganja, in the said matter the applicant is enlarged on bail by the coordinate Bench of this Court in MCRC No.6230/2016 vide order dated 25-10-2016. Earlier also Crime No.158/2012 under Section 20(b)(ii)(B) of the NDPS Act had been registered against the applicant and one co-accused for keeping 16 kg. 250 grams ganja, in the said matter the Special Judge under the NDPS Act Rajnandgaon vide

judgment dated 05-06-2013 in Special Criminal Case No.5/2012 acquitted the applicant and the co-accused. Earlier another matter as Crime No.129/2003 was registered against the applicant, the concerned police filed the charge sheet against the applicant which was registered as Special Criminal Case No.72/2003 under Section 20(b)(ii)(B) of the NDPS Act, wherein the trial Court convicted the applicant for R.I. for 10 years and to pay fine of Rs.1,00,000/-, against the said conviction the applicant preferred a criminal appeal which is registered as Criminal Appeal No.1154/03 and on 01-11-2003 the High Court suspended the sentence and enlarged her on bail, the said criminal appeal is pending and the applicant is on bail in that matter. Other three matters, i.e., Complaint No.88/03, 166/09, 181/15 registered against the applicant were in connection with preventive proceedings. The applicant is innocent, she is falsely implicated. She may be enlarged on bail.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of huge quantity of liquor so seized from the applicant and criminal antecedent reported earlier prior to the incident.

4. Perused the entire material.

5. On due consideration, the liquor so seized from the applicant is 120 bulk liter, apart from the seizure in the matter, in aforementioned two matters in relation with Section 20(b)(ii)(B) of the NDPS Act, they are yet pending, one as trial and another before the appellate court where the applicant is already sentenced R.I. for 10 years and to pay fine of Rs.1,00,000/-, on consideration of the entire material, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE