

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2624 of 2017**

- Surja Bai W/o Laxman Verma, Aged About 26 Years R/o Village Hatranka, Post Hatranka, Police Station Than Khamhariya, District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Than Khamhariya, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Shri PP Sahu, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.5.2017**

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.56/2017 registered in Police Station Than Khamhariya, Distt. Bemetara for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 04.4.2017, charge sheet is yet to be filed and the applicant has been remanded by Chief Judicial Magistrate, Bemetara. As per the allegation, 29.340 bulk liters of foreign liquor has been seized from the possession of the applicant. The applicant is a woman, aged about 26 years, she is

the first offender, she will not commit any offence in future, hence she may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application on the basis of quantity of liquor so seized but would fairly submit that there is no criminal antecedent reported against her prior to this incident.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month six days, charge sheet is not yet filed, the trial may take sometime, though the liquor so seized from the applicant is on higher side, but considering the other facts, I am inclined to grant one opportunity to the applicant, so that she shall not commit any similar or other offence in future.

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

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of Chief Judicial Magistrate, Bemetara for her appearance before the said Court as and when directed.

9. 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