

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2629 of 2017

1. Basanti Bai D/o Late Mahadeva Sarthi, Aged About 69 Years, Occupation Housewife, R/o Village Thakurdiya Mohalla, Kharsia, Police Station / Tahsil Kharsia, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Chowki In-Charge, Chowki Kharsia, Police Station Kharsia, District- Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Rajkumar Pali, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.133/2017 on 04-4-2017 by P.S. Kharsia, Distt. Raigarh, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has been filed which is pending before the CJM Raigarh as Criminal Case No.208/2017. The applicant is first offender. She is a woman aged about 69 years, she may be granted bail as trial may take some time. As per the allegation, 37.800 bulk liter country liquor/foreign liquor has been seized. She may be given an opportunity. She will not commit any offence in future.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of quantity of liquor so seized from the applicant, though fairly conceded that there is no any criminal past of the applicant.
4. Perused the entire material.
5. On due consideration, as the applicant is a woman, aged about 69 years, she is in jail since one month and one week, she is first offender, was

having no any criminal past, though quantity of liquor so seized ins on higher side, but on due consideration of the entire facts, as the trial may take some time, I am inclined to grant one opportunity to the applicant so that she shall not involve herself in any offence and shall remain peacefully in society. 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.1,00,000/- with two solvent sureties of Rs.50,000/- 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