

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2625 of 2017**

- Radha Bai Wd/o Late Sahdev Yadav, Aged About 55 Years R/o Village Sarda, Thana/tahsil Beral, District- Bemetara. Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana- Beral, District- Bemetara. Chhattisgarh.

---- Respondent

For Applicant	: Shri Samir Singh, 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.98/2017 registered in Police Station Berla, 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 02.4.2017, charge sheet is yet to be filed and the applicant has been remanded by Chief Judicial Magistrate, Bemetara. As per the allegation, 58.250 bulk liters of country made liquor has been seized from the conscious possession of the applicant. The applicant is a woman, she is the

first offender, she will not repeat any offence in future, the trial may take sometime for its conclusion, hence she may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that earlier Crime No.377/16 under Section 34(1)(a) of the CG Excise Act has been registered against the applicant, and in the present matter quantity of liquor so seized is on higher side, hence, her application for bail may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month nine days, charge sheet is not yet filed, though in the earlier case the liquor so seized was less than five liters, but in the present matter the seizure is on higher side, considering the submission of the applicant that she will not commit any offence in future, I am inclined to grant one last 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.1,00,000/- with two solvent sureties of Rs.50,000/- 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