

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2598 of 2017

1. Neha Wadhvani D/o Parasram Wadhvani, Aged About 24 Years, R/o Kilaward Juna Bilaspur, Police Station City Kotwali, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh through the Police Station City Kotwali, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ritesh Verma, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

09-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.129/2017 on 01-4-2017 by P.S. City Kotwali, Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicant is remanded by the JMFC Bilaspur, C.G. Trial may take some time. The applicant is first offender. This is the first bail application. As per the allegation, 12.060 bulk liter country liquor has been seized. The applicant is a woman. She will not commit any offence in future. She may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that the applicant had never involved in any offence earlier.
4. Perused the entire material.
5. On due consideration, looking to the facts that the applicant is a woman, she is in jail since one month and 9 days, she is first offender, no any earlier criminal antecedent is reported, trial may take some time, looking to the quantity of the liquor so seized and other facts, I am inclined to grant one

opportunity to the applicant so that she shall not involve now in any crime and 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Bilaspur, 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