

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2684 of 2017**

- Smt. Uttra Bai Chelak Wd/o Late Netram Chelak, Aged About 42 Years R/o Village Dhansuli, Police Station Vidhansabha, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Vidhansabha, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Yogeshwar Sharma, Advocate
For Respondent/State	: Shri Anant Bajpai, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.5.2017**

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.74/2017, registered at Police Station Vidhan Sabha, Distt. Raipur(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Case of the prosecution, in brief, is that 7.800 bulk liters of country/foreign liquor has been seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 2.4.2017. He further submits that charge sheet has not been filed and the applicant is remanded by JMFC,

Raipur (CG). The applicant who is a lady, is the first offender and has no criminal background, she will not repeat the offence in future and also trial will take some time; therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that the applicant is not involved in any offence prior to the incident.

6. I have heard the counsel appearing for the parties.

7. It appears that in bail petition No. 724/2017 dated 12.4.2017 passed by the Sessions Judge, Raipur (CG) the said Court had not mentioned the quantity of liquor in terms of Bulk Liter. Quantity in terms of bulk liter is an important fact to ascertain the entire facts vis a vis to concerned Act. It is also experienced by this Court while hearing of petitions in relation to Act of 2015 that few subordinate Judges are not mentioning the total quantity in terms of bulk liter seized which is an important fact. This is expected from the concerned to mention the total quantity of liquor so seized.

8. Registrar General is directed after taking appropriate permission from the concerned authority to issue a circular to the subordinate courts of the State directing them to mention the quantity of any matter if shown by the parties in the concerned order so that the Court may appreciate the quantity of the substance attracted in the matter and consider the aspect

regarding appreciation of entire facts as surfaced in the said matter.

9. So far as the present matter is concerned, the applicant is in jail since 1 month 10 days. She is a woman and first offender, there is no earlier criminal antecedent, trial may take some time and looking to the quantity of liquor so seized i.e. 7.800 bulk liters, I am inclined to grant one last opportunity to the applicant so that she may not commit any offence in future and shall remain in the society peacefully.

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

11. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- with one surety in the like sum to the satisfaction of the JMFC, Raipur (CG) for her appearance before the said trial Court as and when directed till trial.

12. 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

sunita