

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2860 of 2017

- Shashikala D/o Bhikham Yadav, Aged About 45 Years, R/o Ward No. 15 Tikrapara Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chhuikhadan District Rajnandgaon Chhattisgarh

---- Non-applicant

For Applicant – Shri Krishna Kumar Dewangan, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-07-2017

1. During argument the applicant had filed photocopy of copy of the charge sheet filed under Section 173 of the Cr.P.C. in relation with Crime No.302/16 for the offence under Section 34(2) of the C.G. Excise Act, 1915 certifying them as true copy and also signed in every page of it.
2. The said photocopy is taken as part of the record.
3. Heard the matter finally.
4. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.52/2017 on 13-3-2017 by P.S. Chhuikhadan, District Rajnandgaon, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is pending before the ACJM Khairagarh, Distt. Rajnandgaon, C.G. as Criminal Case No.154/2017. The applicant is a woman and she will not commit any offence in future. As per the allegation, 6.120 bulk liter country liquor has been seized from the applicant. She may be granted an opportunity to remain in bail during trial as the trial may take some time. As per the photocopy filed today, earlier Chhuikhadan police had seized 17.280 bulk liter country liquor from the applicant on 12-12-2016; in the said matter the applicant is facing trial in Criminal Case No.29/17 before the Court of Additional

CJM Khairagarh, C.G. and in the said matter the applicant was granted bail.

5. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant on the basis of criminal antecedent as earlier also the applicant was allegedly found in illegal possession of 17.280 bulk liter country liquor.

6. Perused the entire material.

7. As the applicant is in custody since 3 months and 20 days till date, she is a woman, charge sheet has been filed, trial may take some time, though earlier also the applicant had involved in the similar offence, but on account of the entire facts, I am inclined to grant one last opportunity to the applicant so that she shall not involve herself in any crime now and shall live 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Additional Chief Judicial Magistrate Khairagarh, Distt. Rajnandgaon, C.G. for her appearance before the said Court as and when directed.

8. 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.

9. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE