

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2732 of 2017**

- Hameeda Begum W/o Late Haider Ali Aged About 65 Years R/o Sakin, Ward No. 18, Old Market, Dallirajrah, Police Station Dallirajrah Post Dallirajrah, District Balod, Chhattiagarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Dallirajrah, District Balod, Chhattisgarh.

---- Respondent

For Applicant	: Shri Prason Agrawal, Advocate
For Respondent/State	: Shri SK Mishra, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08/06/2017**

1. 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.76/2017, registered at Police Station Dallirahrah, Distt. Balod(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Learned counsel for the applicant submits that the applicant is arrested on 5.4.2017 and after investigation police had filed the charge sheet before the CJM Balod as Cr. Case No. 76/2017. As

per allegations from the possession of the applicant 9 bulk liters of country liquor has been seized. He further submits that earlier 3 matters have been registered against the applicant as surfaced in the order sheet dated 15.5.2017. Item Nos. 1 was bailable offences though very much under the Chhattisgarh Excise Act, 1915 and in item No. 2, the applicant was acquitted by affording benefit of doubt by the Judicial Magistrate First Class, Dallirajrah, District Balod(CG) in Cr. Case No. 495/2015 vide judgment dated 20.11.2015, but learned counsel is not in a position to submit the fate of item No. 3 registered against the applicant under Section 34 (2) of the Chhattisgarh Excise Act, 1915. As per facts mentioned in the case diary, it appears that the said crime No. 10/2017 was for illegal possession of liquor and the applicant has been granted bail by this Court in MCRC No. 471/2017 vide order dated 19.1.2017. Learned counsel further submits that the applicant will not commit any offence in future, therefore, she may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the basis of aforementioned criminal antecedents and also on account of quantity of liquor so seized in the present matter.

5. I have heard the counsel appearing for the parties and perused the material.

6. Considering the totality of the facts and circumstances of the case, as aforementioned, the applicant is acquitted by the trial court in item No. 2 and item No.1 is bailable offence and though there is another matter registered under Section 34 (2) of the Chhattisgarh Excise Act, 1915, but looking to the quantity so seized in that matter; the applicant is in jail since 2 months and 3 days, I am inclined to grant last opportunity to the applicant, being woman so that she shall not involve in any of the offence and shall remain in the society peacefully.

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.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the C.J.M. Balod (CG) for her appearance before the said trial Court as and when directed till trial.

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)
VACATION JUDGE