

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2742 of 2017

- Jogni Bai Kurre W/o Chhannulal Kurre, Aged About 40 Years, R/o Village Mini Basti Jarhabhatha Bilaspur, Police Station: Civil Line, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through; Station House Officer, Police Station: Civil Line Bilaspur, District; Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Amit Singh, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

07-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.241/2017 on 01-4-2017 by P.S. Civil Lines Bilaspur, District Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet, the same is pending before the CJM Bilaspur as Criminal Case No.1193/2017. As per the allegation, 8.100 bulk liter country liquor has been seized from the applicant. The applicant will not commit any offence in future. She may be granted bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant and would submit that earlier Crime No.45/2017 under Section 34 sub-section (1)(a) of the Act, 1915 and Crime No.362/2012 under Section 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') were registered against the applicant. It goes to show the earlier criminal antecedent of the applicant and looking to the entire facts, the instant MCRC may be dismissed.
4. Perused the entire material.

5. On 19-05-2017 the matter was adjourned at the request of learned counsel for the applicant to submit facts regarding above matter registered against the applicant. Though for item No.1 the said is bailable one, but there is no material to appreciate what was the allegation against the applicant regarding Crime No.362/2012 and what was fate of said trial. The applicant has to demonstrate this fact in absence of any other material submitted by the applicant. On due consideration, as the applicant earlier involved in offence under Section 21 and 22 of the NDPS Act which goes to show her criminal antecedent, I am not inclined to grant bail to the applicant.

6. Consequently, the instant MCRC is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE