

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2837 of 2017**

- Smt. Kaushilya Gond W/o Dhaneshwar Gond, Aged About 30 Years, (wrongly mentioned as father in the certified copy) R/o Bhaisamuda (Tundra), Police Station Gidhouri, District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police of Police Station Gidhouri, District Baloda Bazar Bhatapara Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****17-05-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.80/17 on 10-04-2017 by Gidhouri, District Baloda Bazar Bhatapara, 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 CJM Baloda Bazar, C.G. The applicant is first offender. As per the allegation, from the possession of the applicant 6 bulk liter country liquor hand made has been seized. The applicant will not involve any offence in future. She may be granted bail till trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that there is no any earlier involvement of the applicant in any offence.
4. Perused the entire material.
5. On due consideration, as the applicant is in custody since one month and one week, she is a woman, charge sheet has not yet been filed, trial may take some time, she is first offender and as submitted she will not commit any offence in future, on consideration of the quantity of liquor so seized from the

applicant, I am inclined to grant one opportunity to the applicant so that she shall not involve in any crime and shall 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Baloda Bazar, 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