

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3391 of 2017

Smt. Vimla Mahanand, W/o. Narsingh Mahanand, (Wrongly Mention As Nensingh Mahanand), Aged About 50 Years, R/o. Khalbada, Police Station Gudiyari Pandari, Tehsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station : Gudiyari, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Akhilesh Kumar, Advocate
For Respondent	:	Mr. Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

13/06/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 52/2017, registered at Police Station- Gudiyari, Raipur, District – Raipur (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.220 bulk liters and she was arrested on 25.02.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 25.02.2017; therefore, she may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar

offence.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.220 bulk liters; offence is triable by the JMFC and the applicant is in jail since 25.02.2017, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge