

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3507 of 2017**

- Geeta Sahu W/o Samaru Sahu, Aged About 46 Years R/o City Station Pandari, In Front Of Shamrock Hotel, Police Station Civil Line, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station Civil Line Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Kishore Narayan, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.8.2017**

Learned counsel for the applicant submits a certified copy of the judgment dated 12.8.2016 passed by Judicial Magistrate First Class, Raipur passed in Criminal Case No.6165/2016, the same is taken on record and made part of the record.

2. Heard the matter finally.

3. 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.169/2017 registered in Police Station Civil Lines, Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

4. Learned counsel for the applicant submits that the applicant has been arrested on 11.3.2017, after investigation, concerned

police has filed charge sheet, which is pending before Chief Judicial Magistrate, Raipur as Criminal Case No.2822/2017. As per the allegation, from the possession of the applicant, 5.760 bulk liters of country made liquor has been seized. Learned counsel for the applicant would submit that the applicant is in custody since long, she will not commit any offence in future, she may be granted an opportunity to remain on bail during trial. He also submits that Crime No.168/2014 & 594/2014 registered against the applicant were bailble one and in Crime No.480/15, 528/15 the applicant has been granted bail and it were in connection with other penal offence, the applicant was not convicted in the said matter and also in connection with Crime No.175/16 under Section 34(2) Excise Act 1915 Criminal Case No.616/15 has been registered and vide judgment dated 12.8.2016 Judicial Magistrate First Class, Raipur acquitted the applicant for the charges. The applicant is a woman, she may be granted opportunity to remain on bail during trial.

5. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of the quantity of liquor so seized and also on the basis of aforementioned five matters registered against the applicant.

6. Perused the entire material.

7. As the applicant is in custody for five months, charge sheet has been filed, the trial may take sometime for its conclusion, though the aforementioned five matters have been registered

against her, in one matter the applicant has been acquitted and two other matters were in relation with bailable offence and other two matters were of other penal offences. As submitted, the applicant has not been convicted and after considering the long detention and as the applicant is a woman, and as submitted she will not misuse the liberty and will not commit any offence in future, I am inclined to give one opportunity to the applicant and shall remain peacefully in the society.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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 separate solvent sureties of Rs.25,000/- to the satisfaction of the Chief Judicial Magistrate, Raipur for her appearance before the said Court as and when directed.

10. 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)
JUDGE

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