

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3510 of 2017**

Chand Bai W/o Rakesh Kurrey, Aged About 24 Years R/o Ward No. 9,
Mahamai Para, Gandai, Police Station Gandai, District- Rajnandgaon,
CG.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station
Gandai, District- Rajnandgaon , Chhattisgarh.

---- Respondent

For applicant	Mr. Abhishek Sharma, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as she is arrested on 7-4-2017 in connection with Crime No.82/2017 registered in PS Gandai, Distt. Rajnandgaon for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the ACJM, Khairagarh, Distt. Rajnandgaon. This is her first bail application before this Court. She is first offender. As per allegation, 112.320 bulk litre country liquor has been seized from the conscious possession of the applicant without any licence or permission. She will not commit any offence in future if granted bail. She is a woman aged about 24 years hence she may be granted bail as the trial may take time.

4. Per contra, learned State counsel opposes the bail application on the basis of huge quantity of the liquor so seized in the matter. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.
5. Perused the matter.
6. On due consideration, as the applicant is the first offender, she is in jail since 3 months and 4 days, she is a woman, though the quantity of liquor seized in the matter is on higher side but as submitted she will not commit any crime in future, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on her furnishing a personal bond in the sum of Rs. 1,00,000/- with two solvent sureties of Rs. 50,000/- each to the satisfaction of the ACJM, Khairagarh CG for her appearance before the said Court regularly as and when directed by the said Court.
7. 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: (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police

Station Gandai on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak