

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3592 of 2017

- Smt. Gulab Gandle W/o Late Parmanand Gandle, Aged About 28 Years, R/o Village Dhodki Bhata Ward No.11 Bilha, Thana Bilha, Civil and Revenue District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Bilha, Civil and Revenue District Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Punit Ruparel, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-06-2017

1. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.123/2017 on 23-04-2017 by P.S. Bilha, District Bilaspur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). Charge sheet has not yet been filed, the applicant is remanded by the JMFC Bilha. As per the allegation, 5.940 bulk liter country liquor has been seized from the applicant. Trial may take some time. The applicant is a woman, aged about 28 years. She will not commit any offence in future. She may be granted bail during trial.
2. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that earlier Crime No.186/16 under Section 36(C) of the Act, 1915 has been registered against the applicant.
3. Perused the entire material.
4. As the applicant is in custody since one month 27 days, charge sheet has yet not been filed, trial may take some time, though earlier a mater in relation with the Act, 1915 has been registered against the applicant, but as the same is of bailable nature and on consideration of the quantity of liquor so seized from the applicant in the present matter, I am inclined to grant one last

opportunity to the applicant so that she shall not involve herself in any offence and shall live 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 Judicial Magistrate First Class, Bilha, Distt. Bilaspur C.G. for her appearance before the said Court as and when directed till trial.

5. 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.

6. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge