

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3928 of 2017**

- Smt. Sukhmant Bai W/o Shivratan Khute, Aged About 65 Years
Caste Satnami, R/o Village Bhatgaon, Thana Komakhan And
Tahsil Bagbahara, District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Police
Station Komakhan, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate
For Respondent/State	: Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.7.2017**

Heard on IA No.01/17 for urgent hearing.

2. On due consideration, the same is disposed of.
3. As both the parties are ready to argue the matter, the same is heard finally.
4. 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.55/2017 registered in Police Station Komakhan, Distt. Mahasamund (CG) for the offence punishable under Section 34(2) of the CG Excise Act, 1915.
5. Learned counsel for the applicant submits that the applicant has been arrested on 18.4.2017. After investigation, concerned police has filed charge sheet against the present applicant, though

learned counsel for the applicant is not in a position to state the criminal case number, but the trial is pending before Chief Judicial Magistrate, Mahasamund. As per the allegation, 15 bulk liters of hand made country liquor has been seized from the possession of the applicant. The applicant is the first offender, she will commit any offence in future, as the trial may take sometime for its conclusion, she may be granted bail.

6. Per contra, learned counsel for the State opposes the bail application on the ground that huge quantity of liquor has been seized from the applicant but fairly submits that there is no criminal antecedent reported against the applicant prior to this incident.

7. Perused the entire material.

8. The applicant is in jail for about two months and twenty two days, charge sheet has been filed, trial may take sometime for its conclusion, there is no criminal antecedent reported against the applicant, though the quantity of liquor so seized is on higher side, but considering the entire facts, I am inclined to grant one opportunity to the applicant, so that she shall not commit any similar or other offence in future.

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

10. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of like sum to the satisfaction of Chief Judicial Magistrate, Mahasamund for her appearance before the said Court as and when directed.

11. 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