

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3975 of 2017**

- Smt. Sharda Bai W/o Samelal, aged about 45 years, R/o Sothi (Bamhnidih) presently residing at Kudri, Post Dabhra, District-Janjgir-Champa (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through : District Magistrate Janjgir-Champa (C.G.).

---- Respondent

For Applicant	: Shri Arun Kochar, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.7.2017**

Heard the matter finally.

2. 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.130/2017 registered in Police Station Dabhra, Distt. Janjgir-Champa (CG) for the offence punishable under Section 34 (1) (A), 34(2) of the CG Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 22.04.2017, after investigation, concerned police has filed charge sheet against the present applicant which is pending before Judicial Magistrate First Class, Dabhra, Dist- Janjgir-Champa (C.G.) though the learned counsel for the applicant is not

aware of the criminal case Number. As per the allegation from possession of applicant 10 bulk liters hand made country liquor has been seized. The trial may take sometime for its conclusion, as the applicant is woman and will not commit any offence in future, hence, she may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf the applicant on the basis of quantity of the liquor so seized from the applicant the instant M.Cr.C. may be dismissed.

5. Perused the entire material.

6. As the applicant is in custody since two months, 25 days, charge sheet has been filed, the trial may take sometime for its conclusion , though, she was involved in a similar matter prior to the incident but the said matter was bailable one on consideration of 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.

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

8. 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 Judicial Magistrate First Class Dabhra Dist.- Janjgir-Champa (C.G.), for hir appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Cort 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