

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4704 of 2017**

Sonbai D/o Jankidas, Aged About 60 Years Caste Satnami, R/o Village Bhatgaon, Thana Komakhan, Tahsil Bagbahara, District Mahasamund, CG.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Komakhan, District Mahasamund, Chhattisgarh.

---- Respondent

For applicant	Mr. Vikas Pradhan, Adv.
For Respondent/State	Mr. Neeraj Jain, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board**2-8-2017**

1. Heard on I.A. No. 1/2017 for urgent hearing.
2. As per submission, sister of the applicant has died on 25-7-2017 and the rituals are fixed for 3-8-2017. Hence the applicant prays for urgent hearing.
3. On due consideration, I.A. No. 1/2017 is hereby allowed.
4. With the consent of the parties, the matter is heard finally.
5. The applicant has preferred this application for grant of bail as she is arrested on 18-4-2017 in connection with Crime No. 54/2017 registered in PS Komakhan, distt. Mahasamund (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
6. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the CJM Mahasamund as criminal case No. S-1201/2017. This is her first bail application before this Court. She is first offender.

She is a woman aged 60 years. As per allegation, 10 bulk litre hand made country liquor along with 60 kg. Mahua for preparation of 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 may be granted bail as the trial may take time.

7. Per contra, learned State counsel opposes the bail application on the basis of quantity of liquor so seized from the applicant. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.
8. Perused the matter.
9. On due consideration, as the applicant is the first offender, she is in jail since 3 months and 14 days till date, she is a woman aged 60 years, trial may take some time and 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. 40,000/- with one solvent surety of the like sum to the satisfaction of the CJM Mahasamund CG for her appearance before the said Court regularly as and when directed by the said Court.
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: (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.

11.CC today.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**