

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5095 of 2017

- Savita Prajapati W/o Rambhajan Prajapati, Aged About 26 Years, R/o Village Devdi, Police Station Chandni, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chandni, District Surajpur Chhattisgarh,

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No39/2017 on 14-07-2017 by P.S. Chandni, District Surajpur, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not been filed yet, the applicant is remanded by the CJM Surajpur. Learned counsel for the applicant would further submit that the applicant is a woman, aged about 26 years, she is first offender and as per the allegation, from the applicant 7 bulk liter country liquor has been seized. She will not commit any offence in future. She may be granted one opportunity to remain in bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of quantity of liquor so seized from the applicant.
4. Perused the entire material.
5. As the applicant is in custody since 1 month and 14 days till date, charge sheet has not yet been filed, the applicant is remanded by the CJM

Surajpur, the applicant is a woman aged about 26 years, she is first offender, no criminal antecedent is reported against the applicant, on consideration of the entire facts, I am inclined to grant one 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Surajpur, C.G. for her appearance before the said Court as and when directed till trial.

6. 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.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge