

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5101 of 2017**

- Shanti Bai Wd/o Late Bisahu Aged About 62 Years R/o Village Ghatiyakhurd, Police Station Nandni, District Durg Chhattisgarh.
---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nandni, District Durg Chhattisgarh.
---- **Respondent**

 For Applicant : Shri CK Sahu, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

29.8.2017

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.174/2017 registered in Police Station Nandni, Distt. Durg (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 05.7.2017, after investigation, Police has filed charge sheet which is pending before Judicial Magistrate First Class, Durg as Criminal Case No.5506/17. As per the allegation, 5.220 bulk liters of country made liquor has been seized from the possession of the applicant. The applicant is a woman, aged about 62 years, she will not commit any offence in future. As the trial may take some time for its conclusion, she may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that prior to the present incident, following matters have been registered against the applicant.

Sl. No.	Crime No.	Offence U/S.
01.	201/2008	36C of the CG Excise Act, 1915
02.	128/2008	36C of the CG Excise Act, 1915
03.	15/2009	36C of the CG Excise Act, 1915
04.	77/2010	34(2) of the CG Excise Act, 1915

Looking to the aforementioned criminal antecedent, bail application may be dismissed.

5. Perused the entire material.

6. The applicant is in aged about 62 years, she is in custody for one month and twenty four days, though aforementioned four matters have been registered against the applicant, out of which three matters are bailbale matters, on consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that she will not commit any offence in future and shall remain peacefully in the society.

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 trial

Court for her 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 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark her appearance before the Station House Officer/IO, Police Station Nandni, Distt. Durg **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Nandni, distt. Durg as directed, the concerned police may inform the trial Court for the act and if her non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of

the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

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