

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5472 of 2017**

- Smt. Bena Bai W/o Rajulal, Aged About 58 Years, R/o Village Ghorari (Ghoghari), Police Station Ranitarai, Tahsil Patan, District Durg (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh through: The District Magistrate, Durg (Chhattisgarh).

---- Non-applicant

For Applicant : Shri Abhishek Pandey, Advocate.
 For Non-applicant/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****07.09.2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.93/2017 on 23-07-2017 by Police Station Ranitarai, Distt. Durg, C.G. for the offence under Section 34(2) of the C.G. Excise Act 1915. After investigation charge sheet has been filed, which is pending before the JMFC Patan, District Durg, C.G. as Criminal Case No.265/2017. As per the allegation, from the applicant 6 bulk liter hand made country liquor has been seized. She is first offender, aged about 58 years, she will not commit any offence in future. She may be granted bail during trial.

3. Per contra, learned counsel for the State/non-applicant opposed the arguments advanced on behalf of the applicant, though fairly conceded that there is no any criminal antecedent of the applicant.
4. Perused the entire material.
5. As the applicant is a woman, aged about 58 years, she is in custody since 1 month and 15 days till date, charge sheet has been filed, trial may take some time, she is first offender with no criminal antecedent, after 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Patan, District Durg, C.G. for her appearance before the said Court as and when directed.
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; (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