

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5591 of 2017**

Sunita Sahu W/o Rajkumar Sahu, Aged About 30 Years R/o
Katgodi, Police Station And Tahsil Sonhat District Korla
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Excise Sub Inspector Circle
Baikunthpur, District Korla Chhattisgarh.

---- Respondent

For applicant	Mr. A.K. Prasad, Adv.
For Respondent/State	Mr. Neeraj Jain, Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****13-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 27-7-2017 in connection with Crime P-8 No. 26/2017 Investigating Agency Excise Sub Inspector, Circle Baikunthpur, Distt. Korla (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC Baikunthpur as Cr. Case No. 619/2017. The applicant is a woman. This is her first bail application before this Court. She is first offender. As per allegation, 63 bulk litre foreign liquor has been seized from the conscious possession of the applicant. She will not commit any offence in future if granted bail. She may be granted bail as the trial may take time.
4. Per contra, learned State counsel opposes the arguments

advanced on behalf of the applicant on the basis of the huge quantity of the liquor so seized from the applicant. However he fairly concedes that no criminal antecedent of the applicant is reported by the police in the case diary.

5. Perused the matter.
6. As the applicant is a woman and first offender, she is in jail since 1 month and 18 days till date, charge sheet has been filed, trial may take some time, though huge quantity of foreign liquor has been seized from the applicant but as there is no criminal past of the applicant and as submitted she will not commit any crime in future and considering entire facts of the case, 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. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the CJM Baikunthpur, Distt. Korla CG for her appearance before the said Court regularly as and when directed by the said Court.
7. 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. The applicant is further directed to appear before the IO/concerned Excise Sub Inspector, Circle Baikunthpur, Distt. Korla on 1st and 3rd Monday of every month at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/ State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge