

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.5608 of 2017**

- Smt. Godavari Bai W/o Late Gainduram, Aged About 40 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.

---- Respondent

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 For Applicant : Shri Abhishek Pandey, Advocate  
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer  
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**Hon'ble Shri Justice Chandra Bhushan Bajpai**  
**Order On Board**

**13.9.2017**

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.92/2017 registered in Police Station Ranitarai, Distt. Durg (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 23.7.2017, after investigation, police has filed charge sheet which is presently pending before Judicial Magistrate First Class, Patan, Distt. Durg as Criminal Case No.264/2017. As per the allegation, 7.00 bulk liters of hand made country liquor has been seized from the possession of the applicant. Learned counsel for the applicant would submit that the applicant is the first offender, never involved in any of the similar offence, she will not commit any

offence in future, as the trial may take some time for its conclusion, she may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant on the basis of quantity of liquor so seized but fairly considered that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for one month and twenty three days, charge sheet has been filed, the trial may take some time for its conclusion, the applicant is a woman, first offender, as submitted she will not commit any offence in future, upon considering 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.30,000/- with one solvent surety of like sum amount to the satisfaction of concerned trial Judge 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.

Certified copy as per rules.

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