

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5740 of 2017**

- Kali Bai W/o Nandram Sahu, Aged About 45 Years R/o Village Silli, Police Station Taregaon, Excise Circle Bodla, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Excise Officer, Excise Circle, Bodla District Kabirdham, Chhattisgarh.

---- Respondent

 For Applicant : Shri Akhil Mishra, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

25.9.2017

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 (Excise) No.26/2017 registered by the investigating agency, Excise Circle Bodla, Distt. Kabirdham (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 19.8.2017, charge sheet is not yet filed and the applicant has been remanded under the authority of Chief Judicial Magistrate, Kawardha. As per the allegation, 7.00 bulk liters of handmade country liquor has been seized from the possession of the applicant. Learned counsel for the applicant submits that the applicant is a woman, first offender, 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 the quantity of liquor so seized from the applicant though fairly submits 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 six days, charge sheet is not yet filed, there is no criminal past reported against the applicant, as the trial may taken sometime for its conclusion, 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 remand Court/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