

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 965 of 2018

- Smt. Soni Netam W/o Shri Vijay Netam, Aged About 55 Years, Caste Devar, R/o Milpara, Devar Mohalla Patan, Thana Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Department, Excise Circle, City Durg West Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 02-10-2017 in connection with Crime No.158/2017-2018 registered at P.S.- Excise Circle, City Durg West, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. She is in custody since 02-10-2017. Hence, she may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 10.440 bulk liter illicit liquor has been seized from the possession of the applicant. Also, against this applicant there are three previous cases under the provisions of the IPC and one proceeding of preventive nature under the provision of the Cr.P.C. Hence, she is not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the case diary.
5. Considered on the submissions made and the contents of the case

diary. Though earlier three cases were registered against the applicant under various sections of the IPC, but conviction or acquittal of the applicant in any of those cases has not been reported, further, in the present matter detention of the applicant till conclusion of the trial would not serve any purpose. Hence, for these reasons the application deserves to be allowed.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.

7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge