

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1004 of 2018**

Smt. Meena Bai, W/o. Mishri Lal Pardhi, Aged About 37 Years, R/o. Gram
Ghatiyakhurd, Thana Nandini Nagar, District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, Durg Chhattisgarh,
District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Rajendra Patel, Advocate
For Respondent : Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/02/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 157/2017-18, registered at Police Station- Excise Sub-Inspector Circle Dhamdha, Durg, District – Durg (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.940 bulk liters and she was arrested on 26.11.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 26.11.2017; therefore, she may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.940 bulk liters; offence is triable by the JMFC and the applicant is in jail since 26.11.2017, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge