

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2997 of 2018

- Smt. Nahar Bai W/o Santram Khute Aged About 55 Years R/o Village Kot, Tahsil Bilaigarh, Police Station Sarsiwa, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sarsiwa, District Baloda Bazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Mr. C.R. Sahu, Advocate.
For Non-applicant/State	:	Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-05-2018

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. 106/2018, registered at Police Station- Sarsiwa, District – Baloda Bazar Bhatapara(C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act and Section 420 of the Indian Penal Code.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 6 bulk liters and she was arrested on 16.4.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 16.4.2018; 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 6 bulk liters; offence is triable by the JMFC and the applicant is in jail since 16.4.2018, 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. It is directed that the applicant shall be released on bail on her 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha