

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3542 of 2018**

Smt. Laxmi Sahu W/o Ramsingh Sahu Aged About 32 Years R/o- Village
Limtara, P.S. Simga, District- Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Police Station Simga, District-
Balodabazar-Bhatapara, Chhattisgarh.

---- Non-Applicant

For Applicant: Shri Atanu Ghosh, Advocate.
For State/Non-Applicant: Shri DR Minz, Dy. Govt. Advocate.

Single Bench: Hon'ble Shri Pritinker Diwaker, J
Order On Board

21.5.2018

1. The Applicant has filed this application under Section 439 Code of Criminal Procedure for grant of regular bail as she is in custody since 1.05.2018 in connection with Crime No.127/2018 registered at Police Station – Simga, District Balodabazar, Bhatapara (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the case of the prosecution, on 1.5.2018, the Applicant was found in illegal possession of 6.3 bulk liters of country made liquor.
3. Learned Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the alleged crime. He submits further that the offence is triable by the Magistrate, there are no previous criminal antecedents of similar offence against the Applicant and is therefore liable to be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. Considering the totality of the facts and circumstances of the case, in particular, the quantity of liquor seized, the fact that the applicant is in jail since 1.5.2018 and that there are no criminal antecedents against her and that the offence is triable by the Magistrate, without further commenting on merits, this Court is of the opinion that this is a fit case where the Applicant can be released on bail. Accordingly, the application is allowed and the accused/Applicant is directed to be released on bail on her furnishing a personal bond of Rs.50,000/- with one surety for the like sum to the satisfaction of the Court of the concerned Magistrate for her appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
V. JUDGE