

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4095 of 2018**

Punni Bai W/o Raju Baghel, Aged About 52 Years R/o Chhedkhedi, Police Station Mandir Hasoud, Tahsil And District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Mandir Hasoud, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. A.D. Kuldeep, Advocate

For Respondent : Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/06/2018**

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. 172/2018, registered at Police Station- Mandir Hasoud, District – Raipur (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 5.760 liters and she was arrested on 28.05.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 28.05.2018; 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, one previous case under the provisions of Excise Act under Section is registered against the applicant, hence, she is not entitled for grant of bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.760 liters; offence is triable by the JMFC and the applicant is in jail since 28.05.2018, 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.
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.

Certified copy as per rules.

(Rajendra Chandra Singh Samant)
Judge