

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5172 of 2019

Parvati W/o Nikel Aged About 40 Years R/o Zone-1, Street No.21,
Goutamnagar Khursipar, Bhilai, P S Khursipar District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Durg, Police P S Khursipar
District Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajesh Jain, Advocate

For Respondent : Mr. Ashish Gupta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/08/2019

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.236/2019, registered at Police Station- Khursipar, 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 23.67 bulk liters and she was arrested on 24.07.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 24.07.2019; 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 23.67 bulk liters; offence is triable by the JMFC and the applicant is in jail since 24.07.2019, 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 as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge