

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5750 of 2019

- Smt. Durga W/o Shri Sanjay Aged About 20 Years R/o Namnakala Near Shani Mandir Ambikapur, P.S. Gandhinagar Tehsil Ambikapur, District- Surguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Officer, P.S. Excise Circle, Ambikapur, District- Surguja, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shakti Raj Sinha, Advocate.
For Non-applicant/State	:	Mr. Jitendra Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-09-2019

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. 56/2019, registered at Police Station- Excise Circle, Ambikapur District- Surguja (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 10 bulk liters and she was arrested on 19.08.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 19.08.2019; 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 10 bulk liters; offence is triable by the JMFC and the applicant is in jail since 19.08.2019, 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. 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.
7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika