

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5868 of 2019

- Leela Bai W/o Parmanand Aged About 59 Years, caste- Gond R/o Koudiya Para, Pilwapali, P. S. And Tahsil Pithora, District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Pithora, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	:	Ms.Pushpalata Khalko, Advocate.
For Non-applicant/State	:	Mr. Arijit Tiwari, 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. 449/2019, registered at Police Station- Pithora, District- Mahasamund (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 11 bulk liters and she was arrested on 22.08.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 22.08.2019; 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 11 bulk liters; offence is triable by the JMFC and the applicant is in jail since 22.08.2019, 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