

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8897 of 2018

1. Salik Ram Sahu S/o Mohan Lal Sahu Aged About 35 Years R/o Damru, Police Station - City Kotwali, Baloda Bazar, District - Balodabazar-Bhatapara, Chhattisgarh.
2. Smt. Kaushalya Sahu W/o Salikram Sahu Aged About 30 Years R/o Damru, Police Station - City Kotwali, Baloda Bazar, District - Balodabazar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station City Kotwali Balodabazar, District - Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Ms. Supriya Upasane, Advocate.
For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/02/2019

1. The applicants have preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 540/2018 registered at Police Station- City Kotwali, Balodabazaar- Bhatapara (C.G.) for the offence punishable under Section 34 (2) of the Excise Act and Section 120 (B) of the IPC.
2. Learned Counsel for the Applicants, after arguing some time, submits that she does not want to press this bail application with

regard to Applicant No. 1 namely Salik Ram and only press this bail application on behalf of Applicant No.2 namely Smt. Kaushalya.

3. Thus, this bail application is dismissed as not pressed with regard to Applicant No.1 Salik Ram.
4. As per prosecution story, on 05/09/2018 on the basis of information received from the informant, police party raided and searched the house of the applicants and seized 100-100 bulk liters of country made liquor from their possession and they have been arrested on 05.09.2018.
5. Learned Counsel appearing on behalf of the Applicants submits that Applicant No. 2 is innocent and has been falsely implicated in the case. She further submits that Applicant No. 2 has no criminal antecedent, she is a lady and in custody since 05.09.2018, charge-sheet has already been filed and trial will take some time. Therefore, she may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary with due care.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant No. 2 has no criminal antecedent, she is in custody since 05.09.2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release Applicant No. 2

namely Smt. Kaushalya Sahu on bail.

9. Accordingly, the bail application is allowed in respect of Applicant No. 2 namely Smt. Kaushalya Sahu.
10. It is directed that Applicant No. 2 shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for her appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge