

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9130 of 2020

- Kamala Bai Khande, W/o Shri Dhan Sai Khande, aged about 40 Years, R/o Village - Bundeli, Police Chauki - Adbhar, Police Station - Malkharauda, Civil and Revenue District - Janjgir - Champa Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through - The District Magistrate Janjgir, Civil and Revenue District - Janjgir - Champa Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Paras Mani Shrivastava, Advocate.
Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16/12/2020

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of the parties, the matter is heard finally.
4. The applicant has preferred this application under Section 439 of Cr.P.C. as she is in jail since 19.11.2020 in connection with Crime No.128/2020 registered at Excise Circle, Sakti, District Janjgir-Champa, C.G. for the offence punishable under Sections 34(1)(A), 34(2) & 59(A) of the C.G. Excise Act.
5. Allegation against the applicant is that she was found in illegal possession of 15 bulk litres of country made liquor (*Mahuwa*) and

200 Kg *Mahuwa* Lahaan.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, she is languishing in jail since 19.11.2020 and conclusion of trial is likely to take some time. He also submits that the applicant has no criminal antecedent.
7. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedent.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicant and the fact the applicant has no criminal antecedent as admitted by both the counsels and that conclusion of trial may take some time, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, she shall be released on bail. She is directed to appear before the trial Court on each and every date given to her by the said Court, till disposal of the trial.
9. It is made clear that the applicant shall not involve herself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
Gautam Chourdiya
Judge