

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 106 of 2021

1. Somari Devi W/o Vinay Lohar, Aged About 32 Years, R/o Mohalla Magardhodhha, Police Station and Tahsil Ambikapur, District Surguja (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Kotwali, Ambikapur, District Surguja (C.G.).

---- Respondent

For Applicant	: Shri Dashrath Kushwaha, Advocate.
For Respondent/State	: Ms.Smriti Shrivastava, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/01/2021

- 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 First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 10/10/2020 in connection with Crime No. 605/2020 registered at Police Station Kotwali, Ambikapur, District Surguja (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 5) Allegation against the applicant is that she was found in illegal possession of **15** bulk Ltrs. of country made liquor (Mahuwa).
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as she has been not committed any offence. He further submits that as the applicant has been arrested on 10/10/2020 and trial is likely to

take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the applicant be released on bail by this Court.

- 7) On the other hand, learned counsel for the respondent/State opposes the bail application. 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, the manner in which the liquor was seized from the applicant, considering the quantity of illicit liquor, the detention period of the applicant and the fact that 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 the 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 on the following conditions:-
 - i. she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such fact to the Court,
 - ii. she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
 - iv. she shall not involve herself in any offence of similar nature in future.

-Sd/-
(Gautam Chourdiya)
Judge