

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 928 of 2021

- Rukmani Bhardwaj, D/o- Shri Reshamlal Bhardwaj, Aged About- 37 Years, Address- Aawaspara, Piraiya, Police Station- Chakrbhatha, District- Bilaspur, Chhattisgarh. (Surname Of The Applicant's Father Is Wrongly Mentioned In Impugned Order Sheet As Reshamlal Patle). **---- Applicant**

Versus

- State Of Chhattisgarh Through The Excise Circle Bilha , District Bilaspur Chhattisgarh. **---- Non-Applicant/State**

For Applicant	: Shri Amit Kumar Chaki, Advocate
For Non-Applicant/State	: Shri B.L. Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08.02.2021

- 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 25.01.2021 in connection with Crime No.94/2021, registered at Police Station- Excise Circle Bilha, District- Bilaspur (C.G.) for the offence punishable under Section 34 (1) (क), 34 (2), 59 (क) of C.G. Excise Act.
- 5) Allegation against the applicant is that she was found in illegal possession of 25 bulk Ltrs. country made liquor and 420 k.g. *Mahua Lahan*.
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, she has not committed any offence. He further submits that the applicant is 37 years lady, she has no criminal antecedents and as the applicant has been arrested on 19.01.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be

released on bail by this Court.

- 7) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application, however, 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 and *Mahua Lahan*, the detention period of the applicant, age of the applicant, the fact that the applicant has no criminal antecedents as admitted by both the counsels and 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.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, she shall be released on bail, on following conditions:-

(a) 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.

(b) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

(d) she 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.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving herself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge