

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2185 of 2021

- Shiv Kumari Gendle, wife of Raju Gendle, aged about 32 years, Resident of Village Kaneri, Police Station Chakarbhata, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Excise Circle Bilha, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Vishambhar Prasad Kaushik, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

10.06.2021

1. The application is heard through Video Conferencing.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as she is in jail since 18.02.2021 in connection with Crime No. 107/2021 registered in Police Station- Excise Circle Bilha, Civil & Revenue District Bilaspur (CG) for the offence punishable under Sections 34 (1) (A), 34 (2) & 59 (A) of the CG Excise Act.
5. Allegation against the present applicant is that she was found in illegal possession of 15.00 bulk liters of hand made *mahuwa* liquor.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, she is languishing in jail since 18.02.2021 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.

8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, detention period of the applicant who is 32 years old, conclusion of the trial is likely to take some, the applicant has no criminal antecedent as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
9. 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 on the following conditions:-
- 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 him/her from disclosing such fact to the Court.
 - she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
 - she shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - she shall not involve herself in any offence of similar nature in future.
10. 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 nature of offence.

Sd/-

(Gautam Chourdiya)
Judge