

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3183 of 2021

- Smt. Jhriharo Bai, aged about 65 years, W/o Shri Mahadev Vishwakarma, R/o Mahamaya Para, Ward No. 23, Nagar Ambikapur, P.S. - Kotwali, Tahsil – Ambikapur, District - Surguja (C.G.)

---- Applicant

Versus

- The State of Chhattisgarh through Excise Inspector, Ambikapur, District - Surguja (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri A.K. Prasad, Advocate
For Non-Applicant/State	:	Shri Devesh Verma, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

21.05.2021

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 04.04.2021 in connection with Crime No. 02/2021 registered in Police Station- Excise Sub Inspector, Excise Circle, Ambikapur, District Surguja (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 08.00 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 04.04.2021 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 65 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:-
- 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 him/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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.
10. In view of the above, I.A. No. 01/2021, application for urgent hearing, and I.A. No. 02/2021, application for hearing in summer vacation, stand disposed of.

Sd/-

(Gautam Chourdiya)
Vacation Judge