

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3247 of 2021**

- Fatkan Bai W/o Jaharilal Aged About 47 Years R/o Village Kosmanda, Thana Dabhara District Janjgir Champa Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh, through Police Station Excise Circle, Dabhara, District Janjgir Champa Chhattisgarh.

---- Non-Applicant

---

For Applicant: : Shri Sanjay Agrawal, Advocate.  
 For the state/Non-Applicant: : Shri Vikram Sharma, Dy. G.A.

---

**Single Bench: Hon'ble Shri Sanjay S. Agrawal, J**  
**CAV Judgment order**

**28.05.2021**

1. This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, (hereinafter referred to as the Cr. P.C.), seeking grant of regular bail to her, as she (Fatkan Bai), has been arrested on 20.03.2021 in connection with Crime No.273/21, registered at Police Station Excise Circle, Dabhara, District Janjgir Champa, for the offence punishable under Section 34 (2) and 59 (A) of the Chhattisgarh Excise Act.
2. According to the prosecution, 13 bulk liters handmade Mahua liquor has been seized from the applicant's house and therefore, the alleged offence has been registered against her.
3. Learned counsel for the Applicant submits that the applicant is innocent and has been falsely implicated in connection with the said crime, as the said article has not been recovered from her

exclusive possession. It is contended further that since there is no past criminal record of the applicant therefore, she may be enlarged on bail with regard to the offence which is triable by the Judicial Magistrate First Class.

4. On the other hand, learned counsel appearing for the State/Non-Applicant has opposed the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary carefully.
6. Having considered the facts and circumstances of the case and considering further the length of pre-trial detention of the applicant with regard to the offence triable by the Judicial Magistrate First Class, I am inclined to enlarge the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby allowed and it is directed that the applicant shall be released on bail on furnishing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court.

Sd/-

(Sanjay S.Agrawal)  
**VACATION JUDGE**

HIGH COURT OF CHHATTISGARH, BILASPUR  
Order Sheet  
**MCRC No. 3247 of 2021**  
Fatkan Bai **Versus** State Of Chhattisgarh

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2          | Through Video Conference                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 28.05.2021 | <p>Shri Sanjay Agrawal, counsel for the Applicant.</p> <p>Shri Vikram Sharma, Dy. Government Advocate for the State/Non-Applicant.</p> <p>Heard on I.A. No.01/2021, an application for exemption from filing the notrized bail application and affidavit and also for certified copy of impugned order.</p> <p>On due consideration, the application is allowed and the applicant is exempted from filing the same.</p> <p>I.A. No.01/2021 stands disposed of.</p> <p>Heard finally.</p> <p>Order dictated in open Court. Signed and dated separately.</p> <p>Sd/-<br/>(Sanjay S. Agrawal)<br/>VACATION JUDGE</p> |