

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3679 of 2021

1. Itwari Bai W/o Shri Kanhaiya Lal Gond, Aged About 37 Years, R/o Village Madanpurgarh, Sabariya Dera, Police Station Baloda Civil Ana District Janjgir Champa (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Excise Circle Janjgir, Civil And Revenue District Janjgir Champa (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Paras Mani Shriwas, Advocate.
For Non-Applicant/State	:	Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/06/2021

- 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 24/05/2021 in connection with Crime No. 22/2021 registered at Police Station Excise Circle Janjgir, District Janjgir Champa (C.G.) for the offence punishable under Section 34(2) & 59(A) of Chhattisgarh Excise Act.
- 5) Allegation against the applicant is that she was found in illegal possession of **25 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 not

committed any offence. He further submits that the applicant has been arrested on 24/05/2021 and trial is likely to take some time for its disposal. 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. However, he submits that the applicant has no criminal antecedents.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant who is 37 years old and the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel 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. 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 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 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.
 - v. she shall not involve himself in any offence of similar nature in future.

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**

Chandrakant