

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 6194 of 2021

- Smt. Seema Mahilange W/o. Shri Udal Mahilange, aged about 40 years, R/o Village – Narharpur, Thana & Tahsil – Narharpur, District- North Baster Kanker (C.G.)

---- Applicant

Versus

- The State of Chhattisgarh, Through Station House Officer Narharpur, District North Baster Kanker (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Sunil Sahu, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

17.08.2021

1. Heard.
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 02.08.2021 (03.08.21 wrongly mention in order) in connection with Crime No. 92/2021 registered in Police Station- Narharpur, District North Baster Kanker (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
5. Allegation against the present applicant is that she was found in illegal possession of 10.00 bulk liters of hand made *mahuwa* liquor.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, she is in jail since 02.08.2021 and due to Covid-19 pandemic, 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 and submits that as per order impugned, applicant has no criminal antecedents.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicant who is 40 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
9. It is directed that in the event of 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 :-
 - 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. 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