

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6656 of 2021**

- Chandramani, W/o Sahas Ram, Aged About 44 Years, Caste Rajwar, Resident of Village Girvarganj, Police Station and Tahsil Surajpur, District- Surajpur, Chhattigarh. ---- **Applicant**

**Versus**

- State of Chhattisgarh, Through- Excise Sub Inspector, Divisional Flying Squad, Excise Division Surguja, Through- Excise Circle Surajpur, District- Surajpur, Chhattigarh. ---- **Non-Applicant**

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For Applicant : Shri Ram Vifal Ram Rajwade, Advocate

For Non-Applicant/State : Shri Priyanshu Gupta, Panel Lawyer

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**28.09.2021**

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 21.08.2021 in connection with Crime No. 11/2021, registered at Divisional Flying Squad, Excise Division, Surguja (C.G.) through Excise Circle, Surajpur, District- Surajpur (C.G.) for the offence punishable under Sections 34 (1), 34 (2), 59-A & 36 of C.G. Excise Act.
- 2) Allegation against the applicant is that he was found in illegal possession of 30.580 bulk Ltrs. liquor.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has only two criminal antecedents, there is no likelihood of his tampering with the prosecution

evidence or absconding. The applicant has been arrested on 21.08.2021 and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has two criminal antecedents under Section 34 (1) of C.G. Excise Act.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor was seized from the applicant, considering the quantity of illicit liquor, the detention period of the applicant, who is 44 years old and there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs. 2,00,000/- with two sureties of Rs.1,00,000/- 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 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 him 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.

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**

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