

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6923 of 2021**

- Pardesnin Bai Sen, W/o Rishi Sen, aged about 37 Years, Caste-Nai, R/o Village Ward No. 13, Chhura Road, Village Malgaon, Tahsil, Thana and District Gariyaband, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer Police Station Gariyaband, District Gariyaband, Chhattisgarh.

----Non-applicant

For Applicant	Shri A.D. Kuldeep, Advocate.
For State	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

24/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as she has been arrested in connection with Crime No.220/2021 registered at Police Station- Gariyaband, District Gariyaband, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. Allegation against the applicant is that she was found in illegal possession of 10 bulk litres of country made liquor (*Kachhi Mahuwa*).
3. Learned counsel for the applicant submit that the applicant has been falsely implicated in this crime, she is languishing in jail since 13.08.2021, charge sheet has been filed and due to COVID-19 pandemic conclusion of trial is likely to take some

time. Therefore, applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has as many as two criminal antecedents for the offence under Sections 34(1) & 34(2) under the Excise Act of the year 2020.
5. 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 37 years old, charge sheet has already been filed and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic conclusion of trial may take some time, the application is allowed. It is directed that in the event of 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 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 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhil