

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9281 of 2020

- Rekha Bai Anant W/o Shivdas Anant, Aged About 30 Years R/o Village Sonbandha, P.S. And Tahsil Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Excise Circle West Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri Ravindra Sharma, Advocat
For Non-Applicant/State	:	Shri Sudhir Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

17/02/2021

1. The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 4.12.2020 in connection with Crime No.82/2020, registered at Police Station- Excise Circle West, Bilaspur, District -Bilaspur (C.G.) for the offence punishable under Sections 34(1)क च, 34(2), 59 of the of C.G. Excise Act.
2. Allegation against the applicant is that she was found in illegal possession of 100 liters of country made liquor (Mahua).
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, she has not committed any offence. He further submits that the present applicant is a lady aged about 30 years and she has no criminal antecedent and as the applicant has been arrested on 4.12.2020 and trial is likely to take some time for its final 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, however, he stated that the applicant has no criminal antecedent.
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 and the fact that the applicant is a first offender and she has no criminal antecedent as admitted by both the counsel and there is likelihood of the applicant tampering with the evidence or absconding; and conclusion of trial may take some time, without commenting on merits, I am of the opinion that present is a fit case to release the applicant on bail.
6. Accordingly, 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:-

(a) 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 her from disclosing such fact to the Court.

(b) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

(d) she shall not involve herself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/
(Gautam Chourdiya)
Judge