

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 39 of 2021

- Smt. Durgawati Kshatriya Wd/o Late Banke Singh Kshatriya Aged About 64 Years R/o Ward No. 6, Bus Stand Ahiwara, District Durg Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Police Station, Excise Circle, Dhamdha, District Durg Chhattisgarh. **---- Respondent**

For Applicant : Shri Narayan Prasad Thakur, Advocate
For Respondent/State : Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08.01.2021

- 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 09.01.2020 in connection with Crime No. 198/2020 registered at Police Station Excise Circle, District- Dhamdha (C.G.) for the offence punishable under Section 34 (1)A, B, 34 (2), 59 (A) of C.G. Excise Act.
- 5) Allegation against the applicant is that she was found in illegal possession of 10.62 bulk Ltrs. country made liquor.
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, she has not committed any offence. Counsel for the applicant further submits that the applicant has no criminal antecedent and as the applicant has been arrested on 09.01.2020 and 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 respondent/State opposes the bail application, however, the applicant has no criminal antecedent.
- 8) 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 has no criminal antecedent as admitted by both the counsels and 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.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, the applicant shall be released on bail and she is directed to appear before the Trial Court on each and every date given to her by the said Court, till disposal of the trial.
- 9) It is made clear that the applicant shall not involve himself 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

Nadim