

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9494 of 2021

Gaind Bai Ratre, W/o Hooblal Ratre, Aged About 55 Years R/o Ward No. 11, Village - Ghorari, Police Station - Ranitarai, Tehsil - Patan, District - Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through - District Magistrate, District - Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Anmol Sharma, Advocate

For Non-applicant : Ms. Smriti Shrivastava, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

17/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as she has been arrested in connection with Crime No.80/2021 registered at Excise Circle Internal South, Durg, District- Durg (CG) for the offence punishable under Section 34 (2) and 59- A of C.G. Excise Act.
2. Case of prosecution is that based upon receiving secret information, officials of the Excise Department reached to house of applicant, during course of search, seized 70 bulk litres of handmade mahua liquor. Based on the seizure of illicit liquor, applicant was arrested on 24.11.2021.

3. Learned counsel for applicant would submit that applicant has not committed any offence. She has been falsely implicated in crime. Other inmates/members of family are also residing in the same house. Therefore, it cannot be said that applicant was in exclusive and conscious possession of seized liquor. There is no criminal antecedent against applicant of similar nature. Offence is triable by Magistrate, she is in jail since 24.11.2021. Hence, she may be released on bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant. However, upon asking, she submits that there is two criminal antecedents mentioned against applicant, one is of preventive nature of year 2017 and one under Sections 294, 506 of IPC of year 2019. Hence, she is not entitled for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, applicant is in jail since 24.11.2021, offence to be triable by Magistrate, as submitted by learned counsel for applicant that there is no other criminal antecedent of similar nature against applicant, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that applicant shall be released on regular bail upon her furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-

- a) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen