
(2018) 06 CHH CK 0005

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 3533 Of 2018

Gayatri Bai

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: June 1, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Chhattisgarh Excise Act, 1915 - Section 34(2)

Hon'ble Judges: Rajendra Chandra Singh Samant, J

Bench: Single Bench

Advocate: Sunil Sahu, Sanjeev Pandey

Final Decision: Allowed

Judgement

Rajendra Chandra Singh Samant, J

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been

arrested on 04.02.2018 in connection with Crime No.17/2018 registered at Police Station Bhakhara District Dhamtari (CG) for the offence punishable

under Section 34 (2) of the Chhattisgarh Excise Act.

2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.580 bulk liters and she was arrested on

04.02.2018.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and she is in jail since 04.02.2018 therefore, the

applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail, and submits that the applicant has been prosecuted under the provisions of Chhattisgarh Excise Act number of occasions and she is prosecuted for other offences and also in one case of NDPS Act.
5. Apart from the recent case registered against this applicant, last prosecution was of the year 2011. Looking to the fact of this case and also that the applicant is a woman and no purpose would be served in keeping her in detention, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.
8. Certified copy as per rules.