

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3790 of 2024**

- Shanti Verma W/o Vikas Verma Aged About 25 Years R/o Ganiyari, Tahsil And P.S. Kota, District Bilaspur (C.G.)

---- Applicant**Versus**

- The State Of Chhattisgarh Through S.H.O. P.S. Kota, District Bilaspur (C.G.)

---- Non-Applicant

(Cause-file taken from the Case Information System)

For Applicant : Mrs. Shital Soni, Advocate.

For Non-Applicant : Mr. Ajay K. Pandey, Government Advocate

Hon'ble Shri Narendra Kumar Vyas, Judge**Order on Board****31.05.2024**

1. The applicant has preferred this First Bail Application under Section 439 of Cr.P.C. for grant of regular bail, as he has been arrested in connection with Crime No.0333/2024, registered at Police Station Kota, District Bilaspur (C.G.) for the offence punishable under Section 34(1)(A), 34(2) and 59(A) of the Chhattisgarh Excise Act.
2. The case of the prosecution, in brief, is that on 20.04.2024, the basis of the secret information, police of P.S. Kota, District Bilaspur (C.G.) seized 150 bulk litres of mahua liquor valued Rs.15,000/- from the possession and the case was registered against her.
3. It has been argued by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He submits that the applicant is in jail since 20.04.2024, though the charge-sheet has

been filed, but the trial is likely to take some time for its conclusion. He later submits that the applicant is a lady and sole bread winner of her family as her husband is physically handicapped and she has a ill daughter to take care of, therefore, her pretrial long detention will adversely affect her family members. He further submits that under Section 34(2) of the Chhattisgarh Excise Act, minimum punishment is one year and maximum punishment is three years, therefore, he prays grant of bail.

4. On the other hand, the learned counsel for the State opposes the bail application and submits that though the charge-sheet has already been filed, total 150 bulk litres of mahua liquor was recovered from the possession of the applicant, therefore, she is not entitled for grant of bail.
5. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant, quantity of liquor seized and the fact that the applicant is a lady and sole bread winner of her family, charge-sheet has been filed and she is in jail since 20.04.2024 and conclusion of the trial is likely to take some time, without further commenting on the merits of the case, this Court inclined to **allow** this bail application.
6. Let applicant, **Shanti Verma**, involved in Crime No.0333/2024, registered at Police Station Kota, District Bilaspur (C.G.) for the offence punishable under Section 34(1)(A), 34(2) and 59(A) of the Chhattisgarh Excise Act, be released on bail on his furnishing a **bond in the sum of Rs. 25,000/- with two sureties** with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

7. However, this Court hopes and trusts that the trial Court shall make earnest endeavour to conclude the trial as expeditiously as possible, if there is no legal impediment.

8. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Narendra Kumar Vyas)
Judge