

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5984 of 2015

Rajkumari. Wife of Kirtan, Aged about 48 Years, Resident of Village Ghupsal, P.S. Chhuriya, Distt. Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Gaindatola, Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Dharmesh Shrivastava, Advocate
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 61/2015 registered at P.S. Gaindatola, District Rajnandgaon (C.G) for the offence punishable under Sections 34(2) of the Excise Act.
2. The prosecution alleges that on 01.10.2015 when the raid/inspection was conducted by Sub-Inspector of police Station, Gaindatola, 09 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant is in jail since 01.10.2015 and the seizure having been made, no further investigation is necessary and the applicant being lady aged about 48 years may be enlarged on regular bail.
4. Per contral, learned State Counsel opposes the bail application. He submits that earlier in the year 2005, the

applicant was found in possession of 06 bulk litres of illicit liquor and in that case, offence was registered against her under Section 34-A IPC. However, learned State Counsel is unable to state as to what has ultimately ended in such excise case.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 9 bulk litres; offence is triable by the JMFC, the applicant is in jail since 01.10.2015 and look to the fact that earlier in the year 2005, the quantity of liquor seized from her was stated to be 06 bulk litres and the prosecution is not able to substantiate what has ultimately ended in such excise case, this Court is inclined to release her on bail. Accordingly, this application is allowed.
6. The applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . She is directed to appear before the said Court on each and every date given by the said Court.
7. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**