

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2466 of 2016

1. Kala Bai, W/o. Mahesh Dewangan, Aged About 42 Years,
2. Ku. Annu, D/o. Mahesh Dewangan, Aged About 21 Years,
3. Ku. Sonu, D/o. Mahesh Dewangan, Aged About 19 Years,

All are R/o. Ravan Bhatha, Chhuri, Tahsil Katghora, District Korba,
Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the District Magistrate, (Excise
Circle, Korba), District Korba, Chhattisgarh

---- Respondent

For Applicants : Mr. Ram Narayan Sahu, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.01/2016, registered at Police Station- Excise Circle, Korba, District Korba (C.G.) for the offence punishable under Section 34(1) (A), 34(2) & 59(A) of C.G. Excise Act.
2. Case of the prosecution, in brief, is that on 02.04.2016, on a raid being conducted in the house of the applicants, from their possession, 180 liters of illicit liquor was recovered. Thereby, the offence is committed.
3. Learned counsel for the applicants would submit that the husband of the applicant No.1 is bedridden as he is suffering from cardiac

disease and the applicants are the lady and they have not kept the liquor for sale and the seizure was not from the exclusive possession of the applicants, therefore, the applicants may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the seizure memo. Seizure memo shows that in the house of the applicants, the alleged liquor was seized. Perusal of the statement recorded during such seizure shows that primarily the sale of liquor was being done by applicant No.1 Kala Bai and the applicant No.2 Ku. Annu and applicant No.3 Ku. Sonu since were inmates of the house were being inculpated. Considering the same, I am not inclined to release the applicant No.1 Kala Bai, whereas taking into the age of the applicant No.2, who is 21 years and applicant No.3, who is 19 years, I am inclined to released them on bail.
6. Accordingly, the bail application in respect of the applicant No.1 is rejected whereas the bail application on behalf of the applicant No.2 & 3 is allowed.
7. It is directed that the applicant No.2 & 3 shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge