

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3025 of 2016

1. Bhupendra Kumar Behra S/o Shri Rajesh Behra Aged About 32 Years R/o Village Rajpur, P.S. & Tahsil Lailunga, Civil & Revenue District Raigarh, Chhattisgarh.
2. Amrit Kumar S/o Shri Maniram Manjhi Aged About 25 Years R/o Village Hirapur, P.S. & Tahsil Lailunga, District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh. - **Petitioners**

Versus

- State of Chhattisgarh Through Police Station Lailunga, District Raigarh, Chhattisgarh. -- **Respondent**

For the applicant	:	Mr. M.K. Sinha, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.83/2016 registered at P.S. Lailunga, District Raigarh (C.G) for the offence punishable under Sections 34(1)(A)(2) and 59(2) of the C.G. Excise Act.
2. As per the prosecution case, when the applicants were travelling in a car bearing Regn.No.13-C/8780 the vehicle was intercepted and on being searched, 142.320 bulk litres of English liquor was recovered from the car.
3. Learned counsel for the applicants submits that the liquor so seized cannot be said to be recovered from the exclusive possession as the recovery was made from the Car. He further submits that the exclusive possession can only be stated when it is recovered from the house.
4. Per contra, learned State Counsel opposes the bail.

5. The Court is unable to understand the analogy explained by the counsel for the petitioners that when the recovery is made from the car, it cannot be said that it is in exclusive possession. The Court is also failed to appreciate the arguments that when the Car is intercepted and the liquor is recovered from the said vehicle, it cannot be stated to be exclusive possession.
6. Taking into such submission and on perusal of the documents, prima facie it appears that all the recovery was made from the Car. Considering the documents of the seizure it seems that the liquor was recovered from the car when it was intercepted and taking into huge quantity of liquor, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE