

THE HIGH COURT OF MADHYA PRADESH
Mcrc.47271/18
(Vinay Pratap Singh Vs. State of M.P.)

Gwalior Dt. 6/12/18

Shri Girraj Soni, Advocate for the petitioner.

Shri D.S.Tomar, Public Prosecutor for the State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The petitioner has filed this first application u/S. 439 of Cr.P.C. for grant of bail.

The petitioner has been arrested on 1/11/2018 by Police Station Ater, District Bhind (M.P.) in connection with Crime No. 209/18, registered in relation to the offence punishable u/S. 34(2) of the Excise Act.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

Considering the facts that the prosecution story discloses alleged offence punishable u/S. 34 (2) of Excise Act which prescribes for maximum punishment of three years and that 69 litres of illicit liquor has been seized from the petitioner and reading of the order of the lower Court does not indicate the presence of the criminal antecedents of the petitioner and that prolonged pre-trial detention being an anathema to the concept of liberty, this Court though is inclined to extend the benefit of bail to the petitioner but with stringent condition in view of pending investigation.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the petitioner be released on bail on furnishing a personal bond in the sum of **Rs. 50,000/- (Rs. Fifty Thousand only) with two solvent sureties**

each of Rs. 25,000/- to the satisfaction of the concerned Trial Court.

This order will remain operative subject to compliance of the following conditions by the petitioner :-

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The petitioner shall not commit an offence similar to the offence of which he is accused;
5. The petitioner will not seek unnecessary adjournments during the trial; and
6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. The petitioner shall mark his presence at the concerned police station till conclusion of investigation.

A copy of this order be sent to the Court concerned for compliance.

C.c. as per rules.

(Bu)

(Sheel Nagu)
Judge