

**HIGH COURT OF MADHYA PRADESH  
MCRC No.47488/2018  
(Navab Khan Vs The State of M.P.)**

**Gwalior, Dated : 13.12.2018**

Shri Rajiv Shrivastava, learned counsel for the applicant.

Shri Rajesh Pathak, learned Public Prosecutor for the respondent/  
State.

With consent heard finally.

The applicant has filed this first application u/S. 439, Cr.P.C. for grant of bail. The applicant has been arrested by Police Station Madhoganj, District Gwalior in connection with Crime No.37/2018 registered in relation to the offence punishable u/S. 49-A of the Excise Act.

Learned counsel for the applicant submits that it was alleged that the applicant was found in possession of 5 liter country made liquor. When the plastic cane was opened and smelled, the poisonous liquor was found in it, but there is no chemical analysis report available on record which may show that the seized liquor was poisonous or unfit for human consumption. The charge-sheet has been filed and investigation has been completed. The offence is not punishable with life imprisonment. Counsel for the appellant further submitted that one witness Surendra Sen, who was present on spot, has turned hostile before the trial Court. Applicant is in custody since 25.01.2018. Trial would take considerable time to conclude, therefore, the applicant may be released on bail.

Learned Public Prosecutor for the respondent/State opposed on the ground that as per F.S.L report, liquor seized from the possession of the applicant is found unfit for human consumption. Therefore, he prayed for dismissal of the application.

Heard learned counsel for the parties and perused the case diary.

Considering the submissions advanced by the counsel for the applicant and on perusal of the case diary, without expressing any opinion on the merits of the case, this Court deems it appropriate to

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allow this application in the following terms.

It is hereby directed that the applicant shall be released on bail on his furnishing a personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the Trial Court.

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

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

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

Certified copy as per rules.

**(Rajeev Kumar Shrivastava)**  
**Judge**