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**HIGH COURT OF MADHYA PRADESH**  
**M.Cr.C.No.9443/2021**  
**(Lalla Ahirwar Vs. State of M.P. )**

**Gwalior Bench: Dated 22/2/2021**

Shri R.S.Dangi, learned counsel for the applicant.

Shri Purushottam Tanwar, learned PL for the respondent/State.

With consent, matter is heard finally.

The applicant has filed this Second bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 17.12.2020 by Police Station, Excise Deptt. Sironj, District Vidisha, in connection with Crime No.406/2020 for the offence punishable under Section 34(1)a, 34(2) and 49(a) of the M.P. Excise Act. First application has been dismissed as withdrawn.

It is the submission of learned counsel for the applicant that false case has been registered against him and he is suffering confinement since 17.12.2020. As per allegation, 60 bulk liter liquor allegedly unfit for human consumption has been seized from the possession of the applicant, however, no report of chemical examiner has been received till date. Charge-sheet has already been filed. It is further submitted that he learnt the lesson hard way and would mend his ways and would become a better citizen. Confinement amounts to pretrial detention. He undertakes to cooperate in trial. On these premises, he prayed for bail.

Learned counsel for the State opposed the prayer and

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prayed for dismissal of the application.

Heard learned counsel for the parties at length and considered the arguments advanced by them.

Considering the submissions advanced by learned counsel for the applicant and the fact situation of the case, but without expressing any opinion on the merits of the case, this application is allowed. It is hereby directed that the applicant shall be released on bail on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only)** along with one solvent surety in the like amount to the satisfaction of 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 acquainted with the facts of the case so as to dissuade them 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. Applicant will not seek unnecessary adjournments during trial ;

