

The High Court Of Madhya Pradesh

MCRC-44759-2018

(*CHAMPI BAI Vs THE STATE OF MADHYA PRADESH*)

Indore, Dated : 16-11-2018

Shri Manish Yadav learned counsel for the applicant.

Shri Piyush Shrivastava, learned GA for the respondent/State.

Heard. Case diary perused.

This is first application under section 439 of Cr.P.C for grant of bail in connection with the Crime no 413/2018 registered at police station – Bhikangaon, District - Khargone for commission of the offence punishable under section 34(2) of M.P. Excise Act.

As per the prosecution story, on 13/10/2018, at about 2.30 pm, on the basis of secret information, the police apprehended the applicant and seized 60 bulk liters illicit liquor from his possession.

Learned counsel for the applicant submitted that the applicant is an innocent person. He is having no criminal antecedents. Only 60 bulk liters liquor has been recovered from the applicant. The applicant is in custody since 13/10/2018 without any specific reason. He is not required for further investigation. Offence registered against the applicant is triable by JMFC. He assures that the applicant will not fault with the provisions contained in section 59-A of the M.P. Excise Act. Conclusion of the trial will take considerable time. In these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

On the other hand, learned public prosecutor for the respondent / State submits that no sufficient ground is made out for releasing the applicant on bail, hence the application

filed by the applicant be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the applicant, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant **Champi Bai W/o Lal Singh Bhilala** is directed to be released on bail on her furnishing a personal bond in the sum of **Rs. 50,000/-** with one solvent surety of the like amount to the satisfaction of the trial Court for her regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under section 437(3) of Cr.P.C.

Certified copy as per rules.

(S.K. AWASTHI)
JUDGE