

HIGH COURT OF MADHYA PRADESH

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MCRC No.44764/18

MCRC No.44764/2018

(Ajay Vs. State of M.P.)

Indore, Dated : 12.11.2018

Shri Anil Ojha, learned counsel for the applicant.

Shri Abhinav Malhotra, learned counsel for the respondent/State.

Heard on the question of grant of bail.

This is an application made by the applicant Ajay under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for the offence punishable under Section 34(2) of MP Excise Act registered with Police Station Mhow in Crime No.383/18.

Learned counsel for the applicant submits that the applicant has been implicated on the basis of the alleged seizure of 60 bulk litre of illicit liquor from his possession. He further submits that the offence is triable by the JMFC and that the applicant is in custody since 24.10.2018 and that the applicant will fully cooperate in investigation and he has no criminal antecedents. He has further submitted that the applicant is not guilty of the alleged offence and he is not likely to commit any offence while on bail.

In reply learned counsel for the State has opposed the grant of bail.

On perusal of the case diary and considering the circumstances of the case, I find prima facie force in the submissions made by the counsel for applicant. Hence I am

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of the considered view that the application for grant of bail deserves to be allowed and is accordingly allowed.

The applicant-Ajay is directed to be released on bail upon his furnishing a personal bond in the sum of **Rs. 35,000/- (Rs. Thirty Five Thousand)** with one surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed.

The applicant will attend each hearing of the trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in automatic cancellation of the bail granted by this Court.

C.C. as per rules.

**(Prakash Shrivastava)
Judge**

trilok/-