

HIGH COUR OF MADHYA PRADESH: BENCH AT INDORE

M.Cr.C.No.45642/2018

Kailash vs. State of M.P.

Indore, Dated: 16/11/2018

Shri N.J. Dave, learned counsel for the applicant.

Shri R.K.Sharma, learned counsel for the respondent /State.

This is the first application under Section 439 of Cr.P.C for grant of bail in connection with Crime No.228/2018, registered at police Station- Unhel, District-Ujjain for commission of offence punishable under Section 34 (2) of M.P. Excise Act, 1915.

As per prosecution case, on 11.10.2018, on the basis of secret information, the police intercepted and recovered 63 bulk liters of liquor from the possession of the applicant.

Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in the present crime and he is not having any criminal antecedents. The applicant is in custody since 14.09.2018 and he is not required for further interrogation. The investigation is also almost complete. The offence registered against the applicant is triable by the Judicial Magistrate First Class. Conclusion of the trial will take long time. He assured that in future the applicant will not be faulted with the provisions of Section 59(A) of the M.P. Excise Act. Under these circumstances, he prays for grant of bail to the applicant.

Learned counsel for the 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 is directed to be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/-(Rupees Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of trial Court, for his 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.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.

(S. K. AWASTHI)
JUDGE