

HIGH COURT OF MADHYA PRADESH :INDORE BENCH

M.Cr.C. No.47324/2018
(Santosh Vs. State of M.P.)

Indore dated :13.12.2018

Shri Tarun Kushwaha, learned counsel for the applicant.

Shri Peyush Jain, learned Public Prosecutor for the non-applicant/State.

Heard. Case diary perused.

This is first application under Section 439 of Cr.P.C. for grant of bail in connection with Crime No.943/18, registered at Police Station – Lasudiya, District – Indore for commission of offence punishable under Section 34 (2) of M.P. Excise Act, 1915. The applicant is in custody since 16/10/2018.

As per case diary, 63 bulk litre of illicit liquor has been recovered from the possession of the present applicant for which he is having no valid license. On the basis of the aforesaid, the alleged offence has been registered against the present applicant.

Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the alleged offence. There is no legal and admissible evidence against the applicant to connect him with the alleged crime. He further submits that after investigation, charge-sheet has been filed. No further custodial interrogation from the applicant is required. The alleged offence is triable by Judicial Magistrate First Class. Therefore he prays for grant of bail.

Learned Public Prosecutor for the non-applicant/State has opposed the prayer.

On due consideration of the totality of the facts and circumstances of the case and material evidence available in the case diary, without expressing any opinion on the merits of the case, I allow this first bail application and it is directed that **Applicant – Santosh** be released on bail upon his furnishing a

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personal bond in the sum of **Rs.50,000/- (Rupees fifty thousand)** with two local sureties in the like amount to the satisfaction of the concerned JMFC/CJM for his appearance before him or trial Court, as the case may be on each and every date of hearing fixed in this behalf by the Court concerned during trial and, if during trial he found absent without any sufficient cause by the trial Court then the bail order passed by this Court shall automatically come to an end. This order will remain operative subject to the compliance of the following conditions :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will co-operate in the trial/investigation, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat to the prosecution witnesses or promise to any person acquainted 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 mark his presence at **Police Station – Lasudiya, District – Indore** once in a month till the trial is completed.

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

Certified copy as per rules.

(Ms. Vandana Kasrekar)
Judge

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