

**THE HIGH COURT OF MADHYA PRADESH**

**M.Cr.C. No.49045/2018**

**(Nitin vs. The State of Madhya Pradesh)**

**Indore, Dated: 06/12/2018**

Shri Palash Choudhary, learned counsel for the applicant.

Shri H.Y. Mehta, learned Public Prosecutor for the respondent/State.

Heard, Case-diary perused.

This is an application under Section 439, Cr.P.C for grant of bail in connection with Crime No.263/2018, registered at police station–Kachhi Mohalla, District-Indore, concerning offence under Sections 34(1)(A) & 34(2) of M.P. Excise Act, 1915.

As per prosecution story, on 16/07/2018 police recovered 61.2 bulk liters of liquor from the house of the applicant for which he was not having any valid license.

Learned counsel for the applicant has submitted that 61.2 bulk liters of country made liquor has been recovered from the applicant who is in custody since 17/07/2018. Investigation is over and the charge-sheet has been filed. Earlier application of the applicant was dismissed as withdrawn vide order dated 10/09/2018 passed in M.Cr.C. No.30483/2018, granting liberty to apply fresh after completion of total four months of judicial custody of the applicant. The aforesaid period has already been completed. The offence registered under Section 34 of M.P. Excise Act is triable by Judicial Magistrate First Class and conclusion of trial will take considerable time. There is no possibility of absconsion or tampering of evidence by the applicant, if released on bail. Counsel assures that in future the applicant will not flout the provisions contained in Section 59 (A) of

the M.P. Excise Act, 1915. Under these circumstances, learned counsel prays for grant of bail to the applicant.

Learned Public Prosecutor 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 parties, 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, 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**