

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.20182/2019

(Vijay s/o Hajarya Bhil

Versus

The State of Madhya Pradesh)

Indore, Dated 16.05.2019

Mr. Avinash Yadav, learned counsel for the applicant.

Mr. Lokesh Bhargava, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh.

They are heard. Perused the case diary.

This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant Vijay s/o Hajarya Bhil, who is implicated in connection with Crime No.188/2019 registered at Police Station Khargone, District Khargone (MP) for offence punishable under Section 34 (2) of the Madhya Pradesh Excise Act, 1915.

The applicant is in custody since 01.04.2019.

As per prosecution story, on the basis of source information, the Police seized 61 bulk liters of country made liquor from the possession of the present applicant. Hence, the case has been registered against him.

Learned counsel for the applicant has submitted that the applicant is young boy aged about 20 years and he is not having any criminal antecedents. 61 bulk litre of country made liquor alleged to have been recovered from the possession of the applicant. The

applicant is in custody since 01.04.2019. The investigation is over; and charge sheet has been filed. Conclusion of the trial will take sufficiently long time. The offence registered against the applicant is triable by Judicial Magistrate First Class. Learned counsel for the applicant assured that in future applicant will not be faulted with the provision of Section 59 (A) of the M.P. Excise Act, 1915. In these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh 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 the 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) Criminal Procedure Code, 1973.

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