

HIGH COURT OF MADHYA PRADESH

BENCH AT INDORE

M.Cr.C No.18099/2020

Ajay Vs. State of MP

Indore: 03.07.2020

Shri Amit Sisodiya, learned counsel for the applicant.

Shri Gagan Bajad, learned counsel for the respondent/State.

Heard with the aid of case diary.

ORDER

This is the first bail application under Section 439 of Cr.P.C. in Crime No.112/2020 under Section 49(a) of Excise Act registered at Police Station–Neemuch City, District-Neemuch.

2. According to the prosecution case, the applicant had, in his possession, 05 liters liquid which according to the prosecution was unfit for human consumption. The police seized the liquid and after investigation filed the chargesheet. No documents are produced by the prosecution to establish that this was a poisonous liquid except an assumption of the seizing Officer. Though the seized liquid is sent to FSL for chemical analysis, the report is awaited.

3. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. There is no evidence against him. Conclusion of trial is likely to take time. The applicant is permanent resident of **Neemuch**. So, there is no possibility of his absconding. He is ready to furnish adequate security. The accused is in custody since 08.03.2020. Investigation is over and charge sheet has already been filed. Trial is likely to take time.

4. The Prosecution has opposed the bail application stating that FSL report is not available.

5. Considering that the police has completed the investigation and nothing is there except the assumption of the Seizing Officer that the seized liquid was poisonous or unfit for human consumption and other facts and circumstances of the case, I deem it proper to release the

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accused on bail. Therefore, without commenting on merits of the case, the application is allowed.

6. It is directed that the **applicant Ajay S/o Basantilal Malviya** be released from custody on his furnishing a personal bond in the sum of **Rs.40,000/- (Rs Forty Thousand)** with **one local** solvent surety of the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when required further subject to the following conditions:

(I) The applicant shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial;

(ii) The applicant shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from disclosing truth before the Court;

(iii) The applicant shall not commit any offence or involve in any criminal activity;

(iv) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

7. However, this bail shall be subject to FSL report. In case, the FSL confirms that the seized liquid is poisonous or is not fit for human consumption, this order shall be deemed cancelled without further reference to this Court and the petitioner shall immediately surrender before the Court.

(Virender Singh)
Judge

Sourabh