

HIGH COURT OF MADHYA PRADESH

1

MCRC No.34820/2020

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(Rajkumar Garg Vs. State of M.P.)

Indore, Dated : 25.9.2020

Shri Sanjay Sharma, learned counsel for the applicant.

Shri Viraj Godha, learned counsel for the respondent/State.

Heard on the question of grant of bail through video conferencing.

This is an application made by the applicant under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for the offence punishable under Section 34(2) of the MP Excise Act registered with Police Station Nagda, District Ujjain in Crime No.341/20.

Learned counsel for the applicant submits that 345.6 bulk litre of illicit liquor has been seized from the custody of co-accused Ravi and Praveen. He further submits that nothing has been seized from the present applicant and that the applicant has been implicated only on the basis of the memorandum of co-accused recorded under Section 27 of the Evidence Act stating that the co-accused persons were going to give the liquor to the present applicant. He further submits that apart from the said memorandum there is no other material to connect the applicant with the alleged offence and that the applicant is in custody since 15.7.2020, the investigation is complete and Challan has been filed. He has further submitted that the applicant is not guilty of the

HIGH COURT OF MADHYA PRADESH

2

MCRC No.34820/2020

alleged offence and he is not likely to commit any offence while on bail.

In reply learned counsel for the State has opposed the application for grant of bail but has not denied that the applicant has been implicated only on the basis of memorandum of co-accused recorded under Section 27 of the Evidence Act.

On perusal of the case diary and considering the circumstances of the case, I find prima facie force in the submissions made by the counsel for applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly **allowed**.

The **applicant-Rajkumar Garg** is directed to be released on bail upon his furnishing a personal bond in the sum of **Rs. 35,000/- (Rs. Thirty Five Thousand)** with one surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed.

The applicant will attend each hearing of the trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in automatic cancellation of the bail granted by this Court.

C.C. as per rules.

(Prakash Shrivastava)
Judge

trilok/-