

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 35324 of 2020

(Hitesh Vs. State of MP)

Indore, Dated: 23/9/2020

Shri Tarun Kushwaha learned counsel for applicant.

Shri Pradyumna Kibe learned counsel for State.

Heard through video conferencing.

This is an application made by the applicant (accused) 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 offence punishable under Section 34 of Excise Act registered with Police Station Dindayal Nagar District Ratlam in Crime no. 411/2020.

Learned counsel for the applicant submits that 58 bulk liters of illicit liquor has been seized from the custody of co-accused Mangilal and that the offence is triable by Magistrate. He submits that nothing has been seized from the custody of present applicant and that the applicant has been implicated only on the basis of memorandum of co-accused Mangilal recorded under Section 27 of Evidence Act stating that applicant had brought the alleged liquor alongwith the co-accused. He further submits that the investigation is almost complete and conclusion of trial is likely to take time. He also submits that the applicant is in custody since 19/8/2020 and the applicant has no criminal antecedents. He has further submitted that the applicant is not guilty of the alleged offence and he is not likely to commit any offence while on bail.

Learned counsel for the State has opposed the application for grant of bail and has referred to statement of one Smt. Usha

Motiyani recorded under Section 161 of Cr.P.C.

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 is directed to be released on bail on his furnishing a personal bond in the sum of Rs.35,000/- (Rupees 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 his trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

Certified copy as per rules.

(Prakash Shrivastava)
Judge

BDJ