

The High Court of Madhya Pradesh

M.Cr.C.No.45386/2018

(Bablu Mohe @ Haddi Vs. State of M.P.)

1

1

Jabalpur, Dated : 15-11-2018

Shri Amit Jain, counsel for the applicant.

Shri A.N.Gupta, G.A., for the respondent/State.

This is first application filed under Section 439 of the Cr.P.C. for grant of bail to the applicant.

The applicant has been arrested in connection with Crime No.365/2018, registered at Police Station Shahpura, District Bhopal, for the offences punishable under Section 34(2) of the M.P.Excise Act.

As per the prosecution story, the allegation against the applicant is that from his illegal possession 54 bulk liters of liquor was seized.

Learned counsel for the applicant has submitted that the applicant is an innocent person. The applicant is in custody since 13.10.2018. The trial will take a long time to conclude. It is further submitted that there is no likelihood of his absconding or tampering with the prosecution witness. Therefore, it is prayed that the applicant be released on bail.

Learned Government Advocate for State has opposed the application for bail.

It appears that there is criminal antecedents of the applicant and three cases were registered against the applicant, out of which two are related to offence punishable under the Excise Act.

Considering the facts and circumstances of the case, this application is allowed. It is directed that the applicant **Bablu Mohe @ Haddi**, shall be released on bail on his

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2

furnishing personal bond in the sum of **Rs.30,000/- (Rupees thirty thousand only)** with one solvent surety of the like amount to the satisfaction of the trial Court. The applicant shall abide by the conditions as enumerated under Section 437(3) of the Cr.P.C. and in the event of breach of condition of bail, the trial Court will be competent to take coercive action against the applicant.

It is further directed that the applicant shall furnish an undertaking before the trial Court that, for a period of one year, if the applicant is found indulged in connection with offence punishable under the M.P.Excise Act, the bail granted in this case shall stand cancelled.

This M.Cr.C. stands allowed and disposed of.

C.C. as per rules.

(MOHD. FAHIM ANWAR)

JUDGE

M.