

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. 49268/2018

(Purnendra Singh Vs. State of M.P.)

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Jabalpur, Dated : 14.12.2018

Shri S.K. Singh, counsel for the applicant.

Shri Vivek Lakhera, G.A. for the respondent / State.

Heard with the aid of case diary.

This is **First** application of the applicant **Purnendra Singh** filed under section 439 Cr.P.C. for grant of bail in connection with Crime No. 519/2018 registered at Police Station Churhat, District Sidhi for the offence punishable under Section 34(2) of M.P. Excise Act.

As per the prosecution case, on 19.11.2018 on the information of the informant police stopped Bolero vehicle bearing registration No. MP-17TA-2390 and seized 108 bulk liters of country made liquor which was illegally being carried by the applicant and co-accused Jai Singh Parihar by the said vehicle. It is also alleged that the said vehicle was being driven by the applicant at the time of incident.

Learned counsel for the applicant submits that applicant has not committed any offence and has falsely been implicated in the offence. It is further submitted that applicant has no criminal past. The applicant is in custody since 19.11.2018 and the conclusion of trial is likely to take long time, hence prayed for release of the applicant on bail.

Learned counsel for the State opposed the prayer and submitted that sufficient evidence is available on record to connect the applicant with the offence in question so he should not be released on bail.

Looking to the facts and circumstances of the case and as to the fact that the applicant has no criminal past and he is in custody since 19.11.2018 and conclusion of trial is likely to take long time, without commenting on the merits of the case, the application is allowed and the applicant is directed to be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Rs. Fifty**

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Thousand Only) with **one surety** in the like amount to the satisfaction of the concerned C.J.M/trial Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
 2. The applicant will cooperate in the investigation/trial, as the case may be;
 3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
 4. The applicant shall not commit an offence similar to the offence of which he is accused;
 5. The applicant will not seek unnecessary adjournments during the trial; and
 6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
- C.C. on payment of usual charges.

(Rajeev Kumar Dubey)
Judge