

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 50741/2019

(Mohan Gour Vs. The State of M.P.)

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Jabalpur, Dated: 11.12.2019

Shri Sankalp Kochar, learned counsel for the applicant.

Shri R.P. Prajapati, learned Panel Lawyer for the respondent/State.

Heard.

This is **first** application for bail under Section **439** of Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No.483/2019 registered by Police Station Gairatganj, District Raisen for commission of offence punishable under Sections 34 (2) and 46 of M.P. Excise Act, 1915.

The case of the prosecution against the applicant is that the applicant along with other co-accused was found in possession of 57 bulk liters illicit liquor without having any legal license or authority.

The learned counsel for the applicant has submitted on board that after investigation charge-sheet has been filed and the applicant is not needed in any type of investigation. It is also submitted that the applicant is not having any criminal antecedents and he has been in judicial custody since 25.11.2019. In view of the aforesaid, it is requested that the applicant may be enlarged on bail.

Learned Panel Lawyer for the respondent/State, on the other hand, has vehemently opposed the application and submitted that as per case diary, he is not in position to say that whether charge-sheet has been filed or not, but counsel for the applicant stated on board and this Court is in assurance that charge-sheet has been filed and he is not having any criminal antecedents; therefore, he prayed for dismissal of this bail application.

Heard learned counsel for the parties and perused the case diary.

Considering the facts and circumstances of the case, this application is allowed. It is ordered that the applicant **Mohan Gour** be released on bail on furnishing a personal bond for the sum of **Rs.40,000/- (Rupees Forty Thousand Only)** with a solvent surety in the like amount to the satisfaction

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of the trial court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial and for complying with the conditions enumerated in sub-section (3) of Section 437 of Cr.P.C.

It is further directed that 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.

Certified copy as per rules.

(Vishnu Pratap Singh Chauhan)
Judge

pnm