

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.49157/2021

(Umesh Sharma vs. State of Madhya Pradesh)

Jabalpur, Dated: 20.10.2021.

Heard through Video Conferencing.

Shri Rahul Sharma, counsel for the petitioner.

Shri Yashowardhan Shukla, Panel Lawyer for the State.

O R D E R

Crime No.	Under section	Police Station	Arrest Date
338/2021	34 (2) of M.P. Excise Act, 1915	Nagod Distt. Satna (M.P.)	16/09/2021

As declared by the petitioner, this is the first application under Section 439 Cr.P.C. for grant of bail.

2. The present petitioner has been made accused on the basis of memorandum statement of the co-accused persons from whose possession 120 bulk litres of illicit country made liquor has been seized.

3. It is argued by the counsel for the petitioner that the petitioner has been falsely implicated in the case. The petitioner is permanent resident of District Satna, there is no likelihood of his absconding or tempering with the prosecution case. He is ready to furnish adequate security and to abide by all the terms and conditions as may be imposed by the Court. The petitioner is in custody since 16.09.2021. Conclusion of trial is likely to take time. That apart, co-accused namely Narendra @ Raja Choudhary has been enlarged on bail by this Court vide order dated 03.06.2021 passed in MCrC No.26477/2021 and Rakesh Yadav has also been granted bail vide order dated 20.07.2021 passed in MCrC No.34853/2021. On these grounds, prayer is made to enlarge the petitioner on bail.

4. It is also submitted at Bar that the petitioner has no criminal antecedents.

5. Learned Panel Lawyer has opposed the bail, however, submitted that as per the case diary the petitioner has no criminal antecedents.

6. Having regard to the period of custody, absence of criminal antecedents and that the co-accused persons have already been enlarged on bail as well as other facts and circumstances of the case, I deem it appropriate to release the petitioner on bail, therefore, without commenting on the merits of the case, the petition is **allowed**.

7. It is directed that petitioner **Umesh Sharma** be released from custody on his furnishing a personal bond in the sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with one solvent surety of the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when required further subject to the following conditions :-

(i) The petitioner shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial.;

(ii) The petitioner shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade him from disclosing truth before the Court;

(iii) The petitioner shall not commit any offence or involve in any criminal activity;

(iv) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

(Virender Singh)
Judge

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