

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C.No. 56614/2021

(Fatashah Pardhi Vs. State of M.P.)

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Jabalpur, Dated : 06 / 12/ 2021

Shri Bhavil Pandey, learned counsel for the applicant.

Mrs. Ekta Gupta, learned P.L. for the respondent/State.

Heard with the aid of case diary.

This is **first** application filed under section 439 Cr.P.C. Applicant **Fatashah Pardhi** was arrested on 13.10.2021 in Crime No. 333/2021 registered at Police Station Gunga, Tehsil Berasia, District Bhopal for the offence punishable under Sections 34(1) and 49(A) of M.P. Excise Act.

As per the prosecution case, on 13.10.2021 on the information of informant police stopped a motorcycle bearing registration No. MP-04-QJ-5372 which was being driven by the applicant and seized 15 bulk litre of country made liquor from the possession of the applicant, which was found unfit for human consumption.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in this case. There is no FSL report on record to show that the liquor allegedly seized by the police from the possession of the applicant was unfit for human consumption. The applicant is in custody since 13.10.2021 and conclusion of trial will take time, hence prayed for release of the applicant on bail.

Learned counsel for the State opposed the prayer and submitted that applicant has criminal past and other offences are also registered against the applicant, so he should not be released on bail.

Looking to the facts and circumstances of the case and the fact that no other offence under the M.P. Excise Act or NDPS Act has been registered against the applicant so far except this case, there is no FSL report on record to show that the liquor allegedly seized by the police from the possession of the applicant was unfit for human consumption, applicant is in custody since 13.10.2021, charge sheet has been filed and conclusion of trial will take time, without commenting on the merits of the case, the application is allowed and it is directed that the

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applicant be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Rs. Fifty 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 trial;
 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 prior permission of the trial Court.
- C.C. on payment of usual charges.

(Rajeev Kumar Dubey)
Judge

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