

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.6548/2021

(Anil vs. The State of Madhya Pradesh)

Jabalpur, Dated 22.02.2021

Shri M. K. Tripathi, learned counsel for the petitioner.

Shri Anuj Singh, learned Panel Lawyer for the respondent/State.

ORDER

Crime	Under Section	Police Station	Date of Arrest
54/2021	34(2), M. P. Excise Act	Lalbag, District Burhanpur	23.01.2021

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

2. Allegation against the petitioner is that on 20th January, 2020 he was found in possession of two blue coloured cans containing 60 bulk litres illicitly distilled liquor (Mahua) and 60 quarter of 90 ml each containing 5.4 liters liquor without any valid licence/authority.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. It is also submitted at Bar that the petitioner has no criminal antecedents. The petitioner is permanent resident of District Burhanpur. There is no likelihood of his absconding or tempering with the prosecution case. On these grounds, prayer is made to enlarge the petitioner on bail.

4. Learned Public Prosecutor has opposed the prayer and submitted that the petitioner has criminal record but the clear list is not sent by the concerned police station with the case diary.

6. Considering the statement made by learned counsel for the petitioner and 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 the **petitioner-Anil** be released from custody on his furnishing a personal bond in the sum of **Rs.30,000/-** (Rupees Thirty Thousand Only) with one solvent surety 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.

8. It is made clear that, before releasing the applicant on bail the trial Court shall verify the criminal antecedents of the applicant and if

it is found that the applicant is having criminal antecedent then this order would automatically loose its effect and the trial Court shall not be under an obligation to release the applicant on bail.

9. With the aforesaid the application is allowed.

(Virender Singh)

JUDGE

Loretta