

HIGH COURT OF MADHYA PRADESH

M.Cr. C. No. 8856/2021

(Ram Singh & another Vs. State of Madhya Pradesh)

JABALPUR; Dated: 22.02.2021

(Heard Through Video Conferencing)

Shri Kamal Singh Rajput, learned counsel for the petitioners.

Shri S.D. Mishra, learned Panel Lawyer for respondent-State.

O R D E R

Crime No.	Under Sections	Police Station	Arrest Date
17/2021	34 (2) of M.P. Excise Act, 1915	Police Station Moondi, district Khandwa	14/01/2021

As declared by the petitioners, this is the **first** bail application under Section 439 of Cr.P.C.

2. The sole allegation against the petitioners is that during search on 13.1.2021 by police they were found in possession of 57 bulk liters of illicitly distilled liquor kept in four boxes.

3. It is argued by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The petitioners are permanent residents of District Dedgaon Tahsil Khirkiya district Harda, there is no likelihood of their absconding or tempering with the prosecution case. On these grounds prayer is made to enlarge the petitioners on bail.

4. The learned Panel Lawyer has opposed the bail, however, submits that the petitioners have no criminal antecedents.

5. Considering the quantity recovered, the date of arrest and other facts and circumstances of the case, I deem it appropriate to release the petitioners on bail, therefore, without commenting on the merits of the case, the petition is allowed.

6. It is directed that the petitioners **Ramsingh S/o Shri Biharilal and Karan Singh S/o Garibdas** be released from custody on their furnishing a personal bond in the sum of **Rs.30,000/- (Rupees Thirty Thousand Only)** each with one solvent surety to the satisfaction of the Trial Court for their appearance before the Trial Court as and when required further subject to the following conditions :-

- (i) The petitioners shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial.;
- (ii) The petitioners shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from disclosing truth before the Court;
- (iii) The petitioners 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)
J U D G E

vivek