
(2022) 01 MP CK 0012

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.90 Of 2022

Antim S/O Chunnilal Jaiswal

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 05-01-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Madhya Pradesh Excise Act, 1915 — Section 34(2)

Citation : (2022) 01 MP CK 0012

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Nilesh Dave, Chetan Jain

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

This is the applicant's second application under Section 439 of Criminal Procedure Code, 1973, as he is implicated in connection with Crime

No.388/2021 registered at Police Station-Bistan, District-Khargone (MP) for offence punishable under Section 34(2) of the M.P. Excise Act.

Applicant is in jail since 28.10.2021.

Applicant's first bail application M.Cr.C.No.60364/2021 was dismissed by this Court as withdrawn with liberty to renew his prayer after filing of the charge sheet.

Allegation against the applicant is that he was found in possession of 513 bulk liters unauthorized country made as well as foreign liquor.

Counsel for the applicant has submitted that the charge sheet has been filed, the applicant is in jail since 28.10.2021 and the final conclusion of the trial

is likely to take long time. It is further submitted that there are no other case registered against the applicant. It is also submitted that under identical

circumstances, co-accused persons viz; Anil and Anandilal have already been granted bail by this Court in M.Cr.C.Nos.56219/2021 and 61207/2021

dated 18.11.2021 and 17.12.2021 respectively. In such circumstances, counsel has submitted that the application be allowed and the applicant be released on bail.

Counsel for the State, on the other hand, has opposed the prayer and has submitted that the case diary is not available.

Having considered the rival submissions, on perusal of the charge sheet which is available with the counsel for the applicant and taking note of the

order passed by this Court in M.Cr.C.Nos.56219/2021 and 61207/2021, this Court finds force with the contentions raised by the counsel for the applicant, the application deserves to be allowed.

Accordingly, without adverting to the merits of the case, the application filed by the applicant is hereby allowed. The applicant is directed to be

released on bail upon furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount to

the satisfaction of the trial Court for his / her regular appearance before the trial Court during trial with a condition that he / she shall remain present

before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also observed that if the applicant is found to be involved in any criminal activities, after his release on bail, then the present bail order shall stand

cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.