

(2021) 06 MP CK 0116

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.28733 Of 2021

Balbahadur Singh S/O Kalu Singh

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 15-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Madhya Pradesh Excise Act, 1915 — Section 34(2)

Citation : (2021) 06 MP CK 0116

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Ashish Gupta, Mukesh Sharma

Final Decision : Allowed

Judgement

Vivek Rusia, J

This is first application filed under section 438 Cr.P.C seeking anticipatory bail as the applicant apprehends his arrest in connection with Crime

No.103/2021 registered at police station Piploda, district Ratlam for the offence punishable u/s 34(2) of the M.P Excise Act.

As per prosecution case, 80.4 bulk liters of country made illicit liquor has been recovered from the possession of the co-accused Lalit and Narendra.

Learned counsel for the applicant submits that applicant has been falsely implicated in the offence on the basis of the memorandum statements of the

co-accused. There is no criminal antecedents against him. The offence is triable by Magistrate. The investigation is complete and charge sheet has

been filed. There is no likelihood of early conclusion of the trial, hence prayed for release of the applicant on bail.

Prayer is opposed by the learned counsel for the respondent/State.

Case-diary perused.

Considering the facts and circumstances of the case and the arguments advanced by the learned counsel for the parties, without commenting on the merit of the case, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime number, he shall be released on bail upon his furnishing personal bond in the sum of Rs.40,000/-- (Rupees Forty Thousand) with one surety in the like amount to the satisfaction of the arresting officer. This order shall be governed by the following conditions:

- (a) the applicant shall co-operate with the investigation and make himself available for interrogation by a police officer as and when required;
- (b) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (c) If the applicant is found involved in any criminal case of the same nature during this bail period, this order granting the benefit of anticipatory bail shall be liable to be cancelled; and
- (d) he shall not leave the territory of India without the prior permission of the Court.

C.c as per rules.