

(2023) 10 MP CK 0071

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 46750 Of 2023

Bharat Lodhi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 17-10-2023

Acts Referred:

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

Citation : (2023) 10 MP CK 0071

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : S.B. Lodhi, G.S. Chauhan

Final Decision : Allowed/Disposed Of

Judgement

Satyendra Kumar Singh, J

With the consent, heard finally.

Perused the case diary.

This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as he has been arrested on 06.10.2023 in connection with Crime No.152/2023 registered at Police Station Bhonti, District Shivpuri (M.P.) for commission of offence punishable under Sections 34(2) of the M.P. Excise Act.

Prosecution case, in brief, is that on 16.06.2023 at about 9:45 pm the applicant along with other co-accused persons was found in possession of 72 bulk litres of illicit country made liquor in a white colored swift dzire car bearing registration No.MP09-CH-2737 for the purposes of sell without having any license or authority.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the matter. He further submits that as per prosecution case itself, the applicant was not found on the spot. He has been implicated only on the basis of memorandum of co-accused. Nothing has been seized from the

possession of the applicant. Charge-sheet has been filed in the matter. The applicant is in custody since 06.10.2023. His custodial interrogation or trial is not required in the matter. Trial will take time for its conclusion. Hence, prayer is made to enlarge the applicant on bail.

Learned counsel for the respondent/State opposes the application and prays for its rejection.

Having considered the rival submissions, material pointed out by learned counsel for the applicant and also considering the fact that the applicant was not found on spot, this Court is of the view that applicant deserves to be enlarged on bail, hence, without commenting anything on the merits of the case, the application is allowed.

It is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with a solvent surety in the like amount to the satisfaction of the concerned 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. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr. P. C.

This application is allowed and stands disposed of.