

(2019) 09 MP CK 0037

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 37322 Of 2019

Brijesh @ Bijesh S/O Raisingh Bhil

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 19-09-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Madhya Pradesh Excise Act, 1915 — Section 34(1)A, 34(2), 59(A)

Citation : (2019) 09 MP CK 0037

Hon'ble Judges : S.K. Awasthi, J

Bench : Single Bench

Advocate : Pankaj Sohani, Yogesh Kumar Gupta

Final Decision : Allowed

Judgement

1. This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant, who is implicated in connection with Crime No.855/2019 registered at Police Station Excise Department Kukshi, District Dhar (MP) for offence punishable under Sections 34 (1) A and 34 (2) of the Madhya Pradesh Excise Act, 1915.

The applicant is in custody since 20.08.2019.

As per prosecution story, on the basis of source information, the Police seized 90 bulk liters of illegal country made liquor from the possession of the present applicant. Hence, the case has been registered against him / her.

Learned counsel for the applicant has submitted that the applicant is a youth aged about 27 years and he has no past criminal antecedents. 90 bulk litre of country made liquor alleged to have been recovered from the possession of the applicant. The applicant is in custody since 20.08.2019. The investigation is over; and charge sheet has been filed. Conclusion of the trial will take sufficiently long time. The offence registered against the applicant is triable by Judicial Magistrate First Class. Learned counsel for the applicant assured that in future applicant will

not be faulted with the provision of Section 59 (A) of the M.P. Excise Act, 1915. In these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh submits that no sufficient ground is made out for releasing the applicant on bail, hence the application filed by the applicant be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail on his / her 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.

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.