

(2024) 04 MP CK 0107

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 14310 Of 2024

Chetan Garg And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 12-04-2024

Acts Referred:

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

Citation : (2024) 04 MP CK 0107

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Brijendra Singh Gour, Abha Mishra

Final Decision : Allowed

Judgement

@JUDGEMENTTAG-JUDGMENT

Sunita Yadav, J

This is first application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 37 of 2024 registered at Police Station Chinnoni, District Morena (M.P.) for the offence under Section 34(2) of Excise Act.

As per prosecution story, 270 bulk liters of illicit liquor has been seized from the joint possession of the applicants without having any valid license.

Learned counsel for the applicants argued that the applicants are innocent and have been falsely implicated. Offence is triable by the JMFC. Trial is likely to take long time to conclude. The applicants are in custody since 22.03.2024.

They are permanent resident of District Morena (M.P.) and there is no possibility of their absconsion or tampering with the prosecution evidence.

Hence, he prays for grant of bail to the applicants.

Per contra, learned counsel for the State vehemently opposed the bail application

and prayed for its dismissal.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicants be released on bail on furnishing a personal bond by each of the applicant in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with a solvent surety in the like amount to the satisfaction of the trial Court.

This order will remain operative subject to compliance of the following conditions by the applicants:-

- 1) The applicants will comply with all the terms and conditions of the bond executed by him/her/themselves;
- 2) The applicants will cooperate in the investigation/trial, as the case may be;
- 3) The applicants will not indulge himself/herself/themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicants will not commit any other offence or will not repeat the offence in future. In case, if he/she is found involving in the offence of same nature, this bail order shall stand cancelled automatically without further reference to the Bench.
- 5) The applicants will not seek unnecessary adjournments during the trial;
- 6) The applicant wills not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.