

(2022) 11 MP CK 0050

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 52740 Of 2022

Indersingh And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 11-11-2022

Acts Referred:

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

Citation : (2022) 11 MP CK 0050

Hon'ble Judges : Pranay Verma, J

Bench : Single Bench

Advocate : Mukesh Sinjonia, Harshlata

Final Decision : Allowed

Judgement

Pranay Verma, J

1. This is first application under Section 439 of Cr.P.C for grant of bail. The applicants are implicated in connection with Crime No..454/2022, registered at Police Station Juni, District Indore , for the offence punishable under Sections 34(2) of Excise Act.
2. The applicants are in custody since 27.10.2022.
3. The allegation against the applicants is that from the joint possession of applicant 288 bulk litre unauthorized country made liquor has been seized.
4. Counsel for the applicant submits that the applicants have not committed any offence alleged by the prosecution. They are in jail since 27.10.2022. Investigation is complete and challan has been filed. Final conclusion of trial is likely to take sufficient long time and material produced by the prosecution appears to be insufficient against him. Therefore, the applicants be released on bail.
5. Counsel for the respondent/State, on the other hand, has opposed the prayer

and prays for rejection of the application.

6. After considering the rival submissions made by the learned counsel for the parties and going through the case diary, in the opinion of this Court looking to the amount of liquor seized from the possession of the applicants and the period of custody already undergone by them, it is a fit case for grant of bail.

7. Accordingly, without commenting on the merits of the case, the application filed by the applicants are allowed. The applicants are directed to be released on bail upon furnishing a personal bond in the sum of Rs.50,000/-(Fifty thousand) each with one solvent surety of the like amount to the satisfaction of the trial Court for their regular appearance before the trial Court during trial with a condition that they 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.

8. 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.