

(2021) 06 MP CK 0172

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.30806 Of 2021

Jagdish S/O Nanuram Angerj

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 24-06-2021

Acts Referred:

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

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

Indian Penal Code, 1860 — Section 323, 341, 376

Citation : (2021) 06 MP CK 0172

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Nilesh Dave, Geetanjali Chourasiya

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

This is the applicant's second application under Section 439 of Criminal Procedure Code, 1973, as he/she is implicated in connection with Crime

No.224/2021, registered at Police Station-Garoth, District-Mandsaur (MP) for offence punishable under Section 34(2) of the M.P. Excise Act. The

applicant is in custody since 15.5.2021.

Applicant's earlier bail application M.Cr.C.No.25703/2021 has been dismissed by this Court vide order with liberty to renew his prayer after filing of

the charge sheet.

The allegation against the applicant is that he was found in possession of 60 bulk liters of unauthorized liquor.

Learned counsel for the applicant has submitted that the charge sheet has already been filed. It is further submitted that although there are 08 other

cases have been registered against the applicant, however, out of which, six cases are under Gambling Act, one case is under Section 376 of the IPC

wherein he has already been acquitted from the offence and one case is under Section 341, 323 etc. of the IPC. Counsel has further submitted that

there are no other case under M.P. Excise Act registered against the applicant. It is further submitted that the applicant is in jail since 15.5.2021 and

the final conclusion of the trial is likely to take sufficiently long time, it is prayed that the bail application be allowed.

Learned Panel Lawyer for the respondent/State has opposed the prayer.

Having considered the rival submissions, on perusal of the case diary, taking note of the fact that there no other case under the M.P. Excise Act

registered against the applicant and the other cases registered against the applicant are minor in nature and one case under Section 376 of the IPC

registered against him wherein he has already been acquitted from the offence and considering the fact that final conclusion of the trial is likely to take

sufficiently long time, without reflecting anything on the merits of the case, in the considered opinion of this Court, the application filed by under

Section 439 of Cr.P.C. on behalf of the applicant is hereby allowed.

The applicant is directed to be released on bail upon 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.

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically

without reference to the Court and the police will be at liberty to arrest the applicant in the present case also.

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.