
(2020) 12 MP CK 0026

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 48660 Of 2020

Kallu @ Hari Singh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 07-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Madhya Pradesh Excise Act, 1915 — Section 34(2)

Citation : (2020) 12 MP CK 0026

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : J.L. Soni, S.D. Mishra

Final Decision : Allowed

Judgement

Vijay Kumar Shukla, J

On account of prevailing conditions worldwide brought about by the COVID-19 virus, the appeal has been heard through video conferencing in order

to maintain social distancing. The necessary parties have effectively been represented by their respective counsel via video conferencing.

Heard and perused the record.

This is the first bail application filed by the applicant Kallu @ Hari Singh under Section 438 of Cr.P.C. for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.441/2020 registered at P.S. Palera, District tikamgarh (M.P.) for the offence

punishable under Sections 34(2) of the M.P. Excise Act.

Against the applicant and another co-accused, it is alleged that 66 bulk liter illicit liquor has been seized from their possession.

Learned counsel for the applicant submits that in view of the law laid down by this Court in the case of Naresh Kumar Lahria Vs. State of M.P.

[2004(4) MPHT 205] the application for anticipatory bail is maintainable.

Learned Panel Lawyer for the respondent/State submits that there is no criminal past of the applicant and there is no possibility of absconding him and tempering with the evidence of prosecution.

Taking into consideration the totality of facts of the case and the quantity and also the fact that there is no criminal record of the applicant, I am of the

view that applicant is entitled for grant of anticipatory bail. It is directed that in the event of arrest, the present applicant- Kallu @ Hari Singh, shall be

released on bail on his furnishing a personal bond in a sum of Rs.50,000/- (Rs. Fifty Thousand only) with one surety in the like amount to the

satisfaction of arresting officer. The applicant shall abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Shri S.D. Mishra, learned Panel Lawyer, on

their respective email addresses, for intimation to the police station concerned.

Accordingly, the application is allowed.

Certified copy, as per rules.