
(2021) 03 MP CK 0003

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.11534 Of 2021

Manoharsingh S/O Motisingh Raput

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 01-03-2021

Acts Referred:

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

Citation : (2021) 03 MP CK 0003

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Manish Yadav, Aditya Garg

Final Decision : Allowed

Judgement

Vivek Rusia, J

This is first application filed under section 439 Cr.P.C seeking bail in connection with Crime No.09/2021 registered at police station Sunera, district

Shajapur for the offence punishable under section 34(2) of the M.P Excise Act.

As per prosecution case 70 bulk liters of country made illicit liquor was recovered from the possession of the applicant and he was arrested for the aforesaid offence.

Learned counsel for the applicant submits that he has been falsely implicated in the offence. There is no criminal antecedents against him. He is in

custody since 13.01.2021. The offence is triable by Magistrate. The investigation is complete and charge sheet has been filed. There is no likelihood of

early conclusion of the trial, hence prayed for release of the applicant on bail.

Prayer is opposed by the learned counsel for the respondent/State.

Case-diary perused.

Taking into consideration the quantity of contraband alleged to have been recovered from the applicant coupled with the fact that the applicant has no

criminal antecedents, without commenting on the merit of the case, the application is allowed and the applicant is directed to be released on bail upon

his furnishing personal bond in the sum of Rs.40,000/-(Rupees Forty Thousand) with one surety in the like amount to the satisfaction of the trial Court

for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial and shall also

abide by the conditions enumerated under section 437(3) Cr.P.C.

Before releasing the applicant from the custody the jail authorities are directed to medically examine him in order to rule out the possibility of COVID

-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No. 1/2020.

C.c as per rules.