

(2022) 02 MP CK 0165

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 9840 Of 2022

Mohar Pal @ Rinku

APPELLANT

Vs

State Of Madhya Pradesh Incharge

RESPONDENT

Date of Decision : 24-02-2022

Acts Referred:

Madhya Pradesh Excise Act, 1915 — Section 34, 49A
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 02 MP CK 0165

Hon'ble Judges : Rajeev Kumar Shrivastava, J

Bench : Single Bench

Advocate : R.K. Pathak, Avnees Singh

Final Decision : Disposed Of

Judgement

Rajeev Kumar Shrivastava, J

The applicant has filed this first application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 14/2/2022 by Police Station Purani Chhawani, Distt. Gwalior (M.P.) in connection with Crime No.374/2021 registered for offence under Sections 34 and 49-A of the Excise Act.

It is submitted by learned counsel for the applicant- Mohar Pal @ Rinku that the applicant has not committed any offence. He has falsely been implicated in this case. Applicant is innocent. Learned counsel for the applicant submits that the allegation of recovery of 30 Qtr. country-made liquor and 20 liters O.P. from the possession of the applicant is false. Investigation and trial will take its own time. Applicant is ready and willing to abide by any condition which may be imposed by this Court. Hence, learned counsel prays for grant of bail to the present applicant.

Learned State counsel has vehemently opposed the submissions and submitted that there are history of three cases against the present applicant. Considering the aforesaid along-with nature and gravity of alleged offence, prayed to reject this application filed for grant of bail to the applicant.

Heard learned counsel for the parties at length and perused the case diary.

Considering the arguments advanced by learned counsel for the parties along with facts & circumstances of the case, without commenting upon the merits of the case, the application is allowed and it is hereby directed that the applicant shall be released on bail on his furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the Court concerned for his regular appearance before the trial Court concerned on the dates fixed by it.

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

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself 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 applicant shall not commit any kind of offence. In case of commission of any kind of offence, this bail order shall automatically stand cancelled and his bail bond shall be forfeited;
5. The applicant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Application stands disposed of in above terms.

Let a copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules/directions.