

(2021) 08 MP CK 0072

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.39140 Of 2021

Ram Krupal Singh @ Ram Singh S/O Sujan Singh @
Suryanath Singh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 11-08-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Madhya Pradesh Excise Act, 1915 — Section 34(2)
Evidence Act, 1872 — Section 27

Citation : (2021) 08 MP CK 0072

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Prakash Chandra Shrivastava, Shrey Raj Saxena

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

They are heard. Perused the case diary / challan papers.

This is the applicant's first application under Section 439 of Criminal Procedure Code, 1973. He is implicated in connection with Crime No.356/2020

(Criminal Case No.548/2021) registered at Police Station Naugaon, District Dhar (MP) for offence punishable under Section 34 (2) of Madhya

Pradesh Excise Act, 1915.

The applicant is in custody since 27.07.2021.

The allegation against the applicant is that he was involved in the aforesaid offence whereby 426 bulk liters of foreign liquor has been seized from co-

accused Mukesh s/o Mangat Bhalse; and he in his memo prepared under Section 27 of the Evidence Act has stated that the liquor belongs to the

present applicant, being the Manager of the Liquor Shop. He had to take the same to some other shop.

Counsel for the applicant has submitted that co-accused Mukesh has already been granted bail by this Court in Miscellaneous Criminal Case

No.25444/2021 vide order dated 11.06.2021 and the case of the present applicant is on a better footing, as no seizure has been effected from him; and

otherwise also, he is admitting that the liquor was sent by him, which was covered under the license. Copy of the license is also placed on record.

Therefore, it is prayed that the bail application be allowed and he be released on the ground of parity with co-accused Mukesh.

Counsel for the respondent / State, on the other hand, has opposed the prayer and it is submitted no case for grant of bail is made out. However, it is

not denied that the liquor was covered by the licence, as has already been mentioned in the earlier order passed by this Court in Miscellaneous

Criminal Case No.25444/20201.

Having considered the rival submissions, on perusal of the case diary and also taking note of the fact that the final conclusion of the trial will take

sufficiently long time, this Court finds force with the contentions raised by the counsel for the applicant.

Accordingly, without commenting anything on merits of the matter, the present application for grant of bail is allowed, maintaining parity with co-

accused Mukesh s/o Mangat Bhalse.

The applicant is directed to be released on bail upon his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only)

with one surety in the like amount to the satisfaction of the trial Court for his / her appearance, as and when directed. The applicant shall abide by

the conditions as enumerated under Section 437 (3) of Cr.P.C.

It is made clear that, after being released on bail, if the applicant again indulges himself / herself in any criminal activity, the present bail order shall

stand cancelled without further reference to the Court and the police shall be entitled to arrest the applicant in the present case also.

It is also directed that the applicant will abide by all the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

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.