

(2020) 10 MP CK 0231

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 35631 Of 2020

Rambahadur

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 21-10-2020

Acts Referred:

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

Citation : (2020) 10 MP CK 0231

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : S.B.Shrivastava, S.S.Oberoi

Final Decision : Allowed

Judgement

Vijay Kumar Shukla, J

On account of the prevailing conditions worldwide brought about by the COVID 19 virus, this application has been heard and decided through Video Conferencing to maintain social distancing.

This is the first bail application filed by the applicant under Section 438 of Cr.P.C. for grant of anticipatory bail. The applicant apprehends his arrest in connection with Crime No.259/2020 registered at P.S. Chaugaomakhan, District Khandwa, M.P., for offence punishable under Sections 34(2) of M.P.Excise Act.

It is alleged that the applicant has been made accused on the basis of the memorandum of co-accused. It is stated that the liquor was purchased from him. Learned counsel for the applicant submits that prima facie there is no material against him and he has been made accused only on the memorandum of the co-accused. It is further submitted that prima facie no case is made out, therefore, he is entitled for grant of anticipatory bail in view of law laid down by this Court in the case of Suresh Upadhyay Vs. The State of M.P and others 2014 3 MPHT 91.

Learned counsel for the State was asked whether there is any criminal record against the applicant. It is stated that there is no criminal record against the present applicant.

In view of the aforesaid submissions, present application is allowed as there is no material against the present applicant and in the even of arrest.

Accordingly, it is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- (Rs. Thirty Thousand only) with one surety in the like amount to the satisfaction of arresting officer. The applicant shall further 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 o f the Advocate General and to Shri S.S.Oberoi, learned Panel Lawyer, on their respective email addresses, for intimation to the police station concerned.

Accordingly, the bail application is allowed.

C.c. as per rules.