

(2021) 01 MP CK 0083

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.2709 Of 2021

Ramlakhan Yadav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 21-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Madhya Pradesh Excise Act, 1915 — Section 34(2), 59A

Citation : (2021) 01 MP CK 0083

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : K.D. Singh, Siddharth Sharma

Final Decision : Dismissed

Judgement

Rajeev Kumar Dubey, J

This is second bail application filed by the applicant Ramlakhan Yadav under Section 438 of the Cr.P.C. for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.286/2019, registered at P.S. Surakhee District-Sagar (M.P.) for the offence

punishable under Sections 34(2) Excise Act.

The first bail application of the applicant has been dismissed as withdrawn by this Court vide order dated 13/12/2019 passed in

M.Cr.C.No.43959/2019.

As per the prosecution case, on 17.07.2019 on the information of the informant police stopped motorcycle having Engine No.HA11ENKGE06698 and

Chassis No.MBLHAW022KGE07271 which was being driven by the co-accused Narendra Yadav and applicant Ramlakhan was the pillion rider and

seized 72 bulk liters of country made liquor from the possession of co-accused Narendra Yadav. Applicant Ramlakhan Yadav fled away from the spot at the time of incident.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the aforesaid offence. It is further submitted that nothing has been seized from the possession of the applicant. The applicant is ready to cooperate in the investigation and trial. In the event of arrest, his reputation will be ruined. Under these circumstances, applicant prays for anticipatory bail.

On the other hand, learned counsel for the respondent/State opposed the prayer and submitted that sufficient evidence is available against the present applicant to connect him with the crime. So looking to the provisions of Section 59-A of the M.P. Excise Act, the applicant should not be released on anticipatory bail.

Earlier anticipatory bail application of the applicant was dismissed as withdrawn by this Court vide order dated 13/12/2019 passed in

M.Cr.C.No.43959/2019. Thereafter, there has been no change in the circumstance and the applicant is still absconding.

It is alleged that on 17/07/2019 police stopped motorcycle bearing Engine No.HA11ENKGE06698 and Chassis No. MBLHAW022KGE07271 which

was being driven by the co-accused Narendra Yadav and applicant Ramlakhan was the pillion rider and seized 72 bulk liters of country made liquor

from the possession of co-accused Narendra Yadav which was illegally being carried by the applicant Ramlakhan and co-accused Narendra Yadav

by that bike, at that time applicant managed to escape from the spot and is still absconding.

So, looking to the provisions of Section 59-A of the M.P. Excise Act, this Court is not inclined to grant anticipatory bail to the applicant.

Hence, the anticipatory bail application is rejected.