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(2023) 07 MP CK 0075

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 30508 Of 2023

Rohit Pardhi @ Raj And Others — APPELLANT

Vs

State Of Madhya Pradesh — RESPONDENT

Date of Decision : 14-07-2023

Acts Referred:
Code Of Criminal Procedure, 1973 — Section 437(3), 439
Madhya Pradesh Excise Act, 1915 — Section 49A

Citation : (2023) 07 MP CK 0075

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : Akarsh Chaurasiya, Prabhat Pateriya

Final Decision : Allowed/Disposed Of

Judgement

Satyendra Kumar Singh, J

1. Case diary is available.

2. With the consent, heard finally.

3. This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicants as they have been arrested on 22.6.2023 in connection with Crime No.348/2023 registered at Police Station Basoda City, District Vidisha for the offence punishable under Section 49-A of Excise Act.

4. Prosecution story, in brief is that on 22.6.2023 the applicants were found having 05 litres of illicit spurious country made liquor for the purposes of sale.

5. Learned counsel for the applicants submits that nothing has been seized from the possession of the applicants. Liquor which has been seized from the possession of the applicants was seized from the public place. There is nothing on record which suggest that the aforesaid liquor was spurious and unfit for human consumption. No offence is made out against the applicants. The applicant has no criminal history. The applicant is in custody since 22.6.2023.

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Trial will take time to conclude and therefore, in the aforesaid circumstances, applicant is entitled for grant of bail.

6. Learned counsel for the respondent/State has vehemently opposed the prayer and prayed for its rejection.

7. Heard the learned counsel for both the parties.

8. Having considered rival submission, material pointed out by the learned counsel for the applicants, quantity of liquor seized from the possession of the applicants and also considering the fact that FSL report with regard to the nature of liquor has not been received, without expressing any opinion on the merits of the case, this Court is of the view that the applicants deserve to be enlarged on bail, hence the application is allowed.

9. It is directed that the applicants be released on bail upon their furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with a solvent surety in the like amount each to the satisfaction of the concerned Court for their 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. It is further directed that applicants shall comply with the provisions of Section 437 (3) of Cr.P.C.

10. This application is allowed and stands disposed of.

11. Certified copy, as per Rules.

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