

(2023) 09 MP CK 0059

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 31578 Of 2023

Roop Singh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 12-09-2023

Acts Referred:

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

Citation : (2023) 09 MP CK 0059

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : Sheeshupal Yadav, G.S. Chauhan

Final Decision : Disposed Of

Judgement

Satyendra Kumar Singh, J

1. Case diary is available.

2. This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicant as he has been arrested on 10.07.2023 in connection with Crime No.317/2023 registered at Police Station Civil Line, District Datia (M.P.) for commission of offence punishable under Section 34(2) of M.P. Excise Act.

3. As per prosecution case, on 21.06.2023 at about 11:30-12:00 hours, after receiving a secret information, the police party went to the informed place and found applicant carrying 120 bulk liters illicit liquor in three plastic canes on his motor cycle who fled away from the spot. During investigation, it was revealed that the motor cycle belongs to the applicant and he was carrying the said liquor.

4. Learned counsel for the applicant submits that as per prosecution case itself, applicant was not found on the spot and he has been implicated in the matter only on the basis that the motorcycle which is said to be seized along-with the liquor belongs to the applicant. The investigation has been completed and charge-

sheet has been filed. The applicant is in custody since 10.07.2023. The trial will take time to conclude. Hence, considering the period of custody, applicant may be enlarged on bail.

5. Learned counsel for the respondent/State has vehemently opposed the prayer and submits that huge quantity of liquor has been seized from the possession of applicant. He has criminal past record and one more criminal case has been registered against him but he fairly conceded that the said case is not under the M.P. Excise Act.

6. Heard the learned counsel for both the parties.

7. Having considered rival submissions, material pointed out by the learned counsel for the applicant specially with regard to the fact that applicant was not found on the spot and other facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court is of the view that the applicant deserves to be enlarged on bail, hence the application is allowed.

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

9. M.Cr.C. stands disposed of, accordingly. Certified copy, as per Rules.