

(2022) 12 MP CK 0043

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.57952 Of 2022

Uday Singh Bhadoriya

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 08-12-2022

Acts Referred:

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

Citation : (2022) 12 MP CK 0043

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Prem Singh Bhadouria, Purushottam Tanwar

Final Decision : Allowed

Judgement

Sunita Yadav, J

The applicant has filed this first application u/S. 439 of Cr.P.C. for grant of bail.

The applicant has been arrested on 17.11.2022 by Police Station Gormi District Bhind (M.P.) in Connection with Crime No.296/2020 registered for the offence punishable under Sections 34(2) of Excise Act.

The allegation against the present applicant is that he was found under possession of 90 liters of country made liquor found to be unfit for human consumption, for which he was not having any valid licence.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. The applicant is in jail since 17.11.2022. After conclusion of investigation, charge-sheet has already been filed and there is no requirement of further custodial interrogation of the applicant. The offence is triable by JMFC. The applicant is permanent resident of Porsa Majra Jivan Singh Ka Pura, District Bhind(M.P.) and there is no possibility of his absconsion. On these grounds, he prays for grant of bail to the applicant.

Per contra, application is opposed by learned counsel for the State and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac only) with two solvent sureties in the like amount to the satisfaction of the trial Court/committal Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicant will not commit any other offence or will not repeat the offence in future. In case, if he is found involving in the offence of same nature, this bail order shall stand cancelled automatically without further reference to the Bench.
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

Copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.