

(2023) 08 MP CK 0018

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 33717 Of 2023

V.P. Alias Viswnath Pratap And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 02-08-2023

Acts Referred:

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

Citation : (2023) 08 MP CK 0018

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : Rajmani Bansal, G.S. Chauhan

Final Decision : Allowed/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 applicants as they have been arrested on 19.07.2023 in connection with Crime No.141/2023 registered at Police Station Mayapur, District Shivpuri for the offence punishable under Section 34(2) of M.P. Excise Act.

3. Prosecution case, in brief, is that on 07.07.2023 applicants along with other co-accused persons was found carrying 60 bulk liters of country made liquor in two plastic cans on a motorcycle for the purpose of sale without having any license.

4 . Learned counsel for the applicants submits that as per prosecution case itself, applicants were found on the spot. Motorcycle belongs to some other persons. Applicants have falsely been implicated in the matter only on the basis of memorandum statement. There is nothing on record against them. They are in custody since 19.07.2023 and trial will take time to conclude. Under these circumstances, the applicants may be enlarged on bail.

5. Learned counsel for the respondent/State has vehemently opposed the prayer and submits that the applicants have criminal antecedents and some other criminal cases are registered against them. He further submits that the applicants were identified by the police official who intercepted them at the time of incident, therefore, they are not entitled for bail.

6. Heard the learned counsel for both the parties.

7. Having considered the rival submissions, material pointed out by the learned counsel for the applicants, quantity of liquor said to be seized from the possession of the applicants, so also the fact that the applicants were not found on the spot, 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.

7. 1. It is directed that the applicants be released on bail upon furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each with a solvent surety each in the like amount 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.

8. This application is allowed and stands disposed of.

Certified copy, as per rules.