

S. B. CR. MISC. BAIL APPL. NO. 7601/2007.

Rupesh Vs. State

Date of order :

31/10/2007.

**HON'BLE MR. JUSTICE MOHAMMAD RAFIQ**

Shri D. K. Bhardwaj for the petitioner.

Shri Harshvardhan Nandvana P. P. for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners has argued that the case registered against the petitioner is for offence under Section 16/54 of the Raj. Excise Act for having possessed five bottles of country made liquor and that petitioner was arrested on 21/9/2007 and ever since then he is in jail. Investigation is almost complete and petitioner is no longer required for any purpose.

Learned Public Prosecutor has opposed the bail application and argued that in view of seriousness of allegations, petitioner is not entitled to be enlarged on bail.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to

enlarge the petitioner on bail during trial.

In the result, this bail application u/S. 439 is allowed and it is directed that petitioner Rupesh S/o Chhote Lal shall be released on bail in F.I.R. No. 32/2007 registered at Excise Police Station Circle (West) Alwar for offence under Section 16/54 of the Raj. Excise Act subject to his furnishing a personal bond in the sum of Rs. 30,000/- together with two sureties in the sum of Rs. 15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

In case, petitioner is again found indulging in similar offence in future, the liberty of bail granted to him, shall be liable to be cancelled at the instance of the prosecution on this ground alone.

(MOHAMMAD RAFI Q), J.

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