

**31/10/2011**

Shri Ravi Dwivedi, Advocate for the applicant.

Ku. Nutan Saxena, Public Prosecutor for the respondent/  
State.

Heard on admission.

Admit.

Perused the documents available on record.

Also heard on this first application under Section 439 of Cr.P.C. filed on behalf of applicant, who has been arrested in connection with Crime No.610/2011 registered at police station Janakganj, District Gwalior for the offence punishable under Section 34(2) of Excise Act.

As per prosecution case, 52 bulk liter of country-made liquor was recovered from illegal possession of applicant, for which he was having no licence.

It is submitted by learned counsel for the applicant that case is triable by JMFC. Applicant is in custody since the date of his arrest i.e. 17/10/2011 and disposal of the case will take time. On these grounds, prayed for grant of bail.

Learned Public Prosecutor for the respondent- State opposed the application and prayed for its rejection.

Considering the facts and circumstances of the case but without expressing any opinion on the merit of the case, application is allowed and it is directed that applicant be released on bail, on his

furnishing a personal bond in the sum of **Rs.35,000/- (Rupees thirty five thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court concerned during pendency of the case and he shall also comply with the conditions as enumerated under Section 437(3) of Cr. P. C.

A copy of this order be sent to the Court concerned for information and compliance.

Certified copy as per rules.

**(Indrani Datta)**  
**Judge**

mkb/-