

30.03.2012

Shri Rajeev Upadhyaya, Advocate, for the applicants.

Ms. Nutan Saxena, P.P., for the respondent/State.

Heard.

Perused the documents.

This is first application under Section 439 of Cr.P.C. for grant of bail by the applicants. They have been arrested by the Police Station Basai, District Datia (M.P.), in connection with Crime No.16/12, registered for offence punishable under Section 34 (2) of the Excise Act.

As per prosecution, the applicants are alleged to have been found in possession of 180 liters of liquor for which they were not having any valid licence for selling of the same. The accused-applicants were arrested. The contraband article was also recovered. The accused-applicants are in custody since 06.03.2012.

Learned counsel for the applicants submits that the applicants have been falsely implicated and they are not directly or indirectly involved with the alleged crime. There is no criminal history of committing the same offence against them. They are the permanent residents of the area, and therefore there is no chance of their abscondence. On these grounds, it is prayed that the application be allowed.

Learned P.P. for the State, on the other hand opposed the bail application and prayed for its rejection.

Considering the facts and circumstances of the case, but without expressing any opinion on the merits, application is allowed. It is directed that the applicants be released on bail on their furnishing a personal bond in the sum of **Rs.1,00,000/- (Rs. One Lac only) each with one solvent surety each in the like amount** to the satisfaction of the trial court for their regular appearance in the trial court during trial with a

condition that they shall remain present before the court concerned during trial and shall also comply the conditions as enumerated under Section 437 of Cr.P.C.

A copy of this order be sent to the concerned trial court for necessary compliance.

Certified copy as per rules.

(G.D.Saxena)
Judge

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