

29.05.2014

Shri S.S.Kushwah, Advocate for the applicant.

Shri Devendra Chaubey Public Prosecutor, for the respondent/
State.

Heard.

Admit.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in jail since 27/3/2014 in connection with Crime No.52/2014 registered at Police Station Matabasaiya, District Morena (M.P.) for the offences punishable under Sections 34 (2) and 49 (k) of M.P. Excise Act.

As per prosecution, it is alleged that 50 bulk litre illicit liquor has been seized from the applicant.

Learned counsel for the applicant has submitted that applicant is in custody since 27/3/2014. The applicant is the only bread earner of his family and he has no criminal antecedents. It is further submitted that the trial may take considerable time in its conclusion, therefore, the applicant be released on bail.

Learned counsel for State has opposed the application on the ground that alongwith 50 bulk litre of illicit liquor other equipments were also seized from the applicant.

On due consideration of the contentions made by the learned counsel for the parties and over all facts and circumstances of the case, I am of the considered view that it is a fit case to release the applicant on bail, therefore, without expressing any view on the merits

of the case, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in a sum of **Rs.50,000/- (Rs. Fifty Thousand only)** with one surety in the like amount to the satisfaction of the trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial.

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 themselves 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 shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. In case of any breach of any of the conditions above the learned Trial Court would be at liberty to reconsider on the question of bail.

Certified copy as per rules.

jps/-

(Sushil Kumar Palo)
V. Judge