

31/01/2015

Shri Rajeev Upadhyay, Advocate for the applicant.

Shri R.S. Sharma, Panel Lawyer for the respondent/State.

Heard.

This is the first application for regular bail under Section 439 of the Cr.P.C. filed on behalf of the applicant.

The applicant is in custody since 11.01.2015 in connection with Crime No. 15/2015 registered at Police Station Dursada district Datia for the offence punishable under Section 34(2) of M.P. Excise Act.

It is alleged that 62 bulk litres of illicit liquor was seized from the possession of the applicant.

On behalf of the applicant, it is submitted that the applicant is innocent. He has been falsely implicated in the matter. It is further submitted that applicant is a permanent resident of district Datia and there is no likelihood of his being absconded. In such premises, prayed for regular bail.

Learned Panel Lawyer opposed the application for bail.

Keeping in view the facts that applicant is in custody since 11.01.2015 and disposal of case will take considerable time, without commenting anything on the merits of the case, I deem it proper to extend the benefit of bail to the present applicant. Accordingly, this bail application is allowed.

It is directed that the applicant shall be released on bail on his furnishing personal bond in a sum of **Rs.60,000/- (Rupees Sixty Thousand only)** with one solvent surety in the like amount to the satisfaction of the Trial Court for securing his presence before the

concerned 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 not interfere or influence the prosecution witnesses;
2. The applicant will make himself available or represent through his counsel on early date of proceedings
3. The applicant will not indulge in any similar offences during the pendency of the trial.
4. If the applicant found breach of any of the conditions above, the learned Trial Court would be at liberty to reconsider on the question of bail.

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

Certified copy as per rules.

(S.K. Palo)
Judge

Abhi*