

**MCRC-8511-2015**

*(YASHWANT Vs THE STATE OF MADHYA PRADESH)*

**29-05-2015**

Shri Sharad Singh Baghel, learned counsel for the applicants.

Smt. D.K. Bohre, learned Government Advocate for the respondent/State.

Since both the cases have arisen out of one and the same crime number registered at the same Police Station, they are being decided by this common order.

Heard arguments.

Perused case diary and material on record.

These are first bail applications filed by the applicants under Section 439 of the Cr.P.C. for grant of bail in connection with crime No. 30/2015, registered at Police Station Gaisabad, District Damoh, against them for the offence punishable under Section 34 (2) of the M.P. Excise Act (for short 'the Act').

Prosecution allegations are that upon a tip off on 06.05.15, Inspector Virendra Bahadur Singh searched a Jeep without registration number, in which he found 117 bulk liters of factory made country liquor being kept in 8 cartons without permit.

Learned counsel for the applicants submits that the applicants are in custody since 06/04/2015. It is also submitted by him that this is the first ever offence registered against the applicants under the Act and none of them has criminal antecedents. It is also submitted by

him that all the applicants are the permanent residents of Damoh, Rewa and Chhatarpur Districts. It is also submitted by him that the offence is triable by the Court of Judicial Magistrate First Class, the trial will take long time to conclude and the applicants will cooperate the Court during the trial. Upon these submissions, a prayer is made for grant of bail to the applicants.

Learned Government Advocate opposes the prayer. However, he admits that there is no material in the case diary as to the criminal backgrounds of any applicant.

On due consideration of facts and circumstances of the case and the submissions raised on behalf of the parties by their counsel, but without expressing any opinion on merits of the case, I am of the view that this is a fit case for grant of bail. Hence, the application is allowed. It is ordered that applicants **Ashok Rai, Rakesh Rai, Yashwant, Narayan, Prakash and Monu** be released on bail on their furnishing "each" a personal bond in the sum of **Rs. 30,000/- (Rupees Thirty Thousand Only)** with one solvent surety of the same amount to the satisfaction of the Court concerned for their appearance on all such dates as may be fixed by it in this regard. They shall abide by the conditions enumerated in Section 437(3) of the Cr.P.C. In case of bail jump, the Court concerned will have power to cancel the applicants' bail. Certified copy as per rules.

(RAJENDRA MAHAJAN)  
JUDGE

sp/-