MCRC No.6647/2016

30-11-2016

Mr Y.K. Gupta, learned counsel for the applicant.

Mr C.S. Ujjainiya, learned counsel for the respondent State.

Both the parties heard.

This is first application filed by the applicant under Section 438 of Cr.P.C, for grant of anticipatory bail. The applicant is apprehending his arrest in connection with Crime Number 86/2016 registered at Police Station Excise Department, Dhar for an offence punishable under Section 34(2) of the M.P. Excise Act.

As per the prosecution case on 13-05-2016 about 02:45 AM a Tata Sumo was intercepted and 25 boxes of liquor was seized from the Tata Sumo. The petitioner is owner of the vehicle in question. His contention is that he is serving in Infantry School, Mhow and vehicle in question was attached with some Company and offence, if any has been committed by the Driver of the vehicle.

Learned Government Advocate has argued before this court that the present applicant as he is the registered owner of the vehicle has been made an accused in the crime and in light of the seizure made by the Excise Department the question of grant of anticipatory bail does not arise.

On considering the above submissions, material available in the case diary, without expressing any opinion on merits of the case, I am of the considered view that it is a fit case to allow the application for grant of anticipatory bail. Therefore, this application is allowed and it is directed that in the event of arrest of applicant by the arresting officer, he shall be released on bail

subject to his furnishing a personal bond in the sum of **Rs.1,00,000/-** (Rupees **One lac only**) with one surety of like amount to the satisfaction of the Arresting Officer, subject to abiding the conditions enumerated under Section 438 (2) of Cr.P.C. This order shall be valid for a period of thirty days, from today. In the meanwhile, the applicant may apply for regular bail within the aforesaid period of thirty days before the competent Court.

Certified copy as per rules.

(S. C. SHARMA)
J U D G E

RP