

Misc. Criminal Case No.6838/2016

29/07/2016

Shri Sunil Yadav, learned counsel for the applicant.

Shri A.S. Sisodiya, learned Deputy Govt. Advocate for the respondent/State.

Heard.

ORDER

This is repeat(second) application under Section 439 of Cr.P.C. The applicant has been arrested in Crime No.41/2016, registered at Police Station Kaytha District-Ujjain, for the offence punishable under Section 34(2) of the M.P. Excise Act. First application was dismissed as withdrawn vide order dated 21/06/2016 passed in M.Cr.C. No. 5035/2016.

According to the prosecution case 63 bulk liters of country made liquor has been seized from the possession of the applicant without having any license.

Learned counsel for the applicant submits that the applicant has not committed any offence. He has falsely been implicated. He is having no criminal antecedents. The offence is triable by Judicial Magistrate First Class. The applicant is under custody since 03/04/2016. There is no likelihood of his absconsion. The conclusion of trial likely to take time. Hence, prayed for bail.

The prayer is opposed by learned Deputy Govt. Advocate on the ground that there is four cases of the similar offence has been registered against the applicant.

Case diary perused. Considering the quantity of the liquor alleged to have been seized from the possession of the applicant coupled with the fact that applicant is under custody for more than 3 months, but without commenting anything on the merits of the case, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of **Trial Court.**

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 himself 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. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

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

C.c. as per rules.

(D.K.Paliwal)

Judge

skt