

M.Cr.C. No.13097/2016

29/12/2016

Shri N.J. Dave, learned counsel appearing on behalf of the applicant.

Shri Romesh Dave, learned counsel for the respondent/State.

This is first application under Section 439 of Cr.P.C. The applicant Sheru @ Sherali, has been arrested in Crime No.559/2016 registered at Police Station Bilpank, District Ratlam for the offence punishable under Section 34(2) of M.P. Excise Act, 1915.

As per prosecution on 09/11/2016, on a secret information, police apprehended applicant at Lunera Road, Sevaria Fate, coming from Shivpur side in a bike and siezed 63 bulk litres of country made liquor from his possession, which he was carrying in a bag on the bike, for which he was not having any valid license.

It is submitted by the learned counsel for the applicant that the applicant has not committed any offence. He has been falsely implicated in the matter. The applicant is under custody since 09/11/2016. Charge-sheet has been filed and the trial is likely to take time to conclude. It is further submitted that no criminal antecedents are attributable to the applicant. Hence, prayed for grant of bail.

The prayer is opposed by the learned counsel for the respondent/State.

Case diary perused.

Looking to the facts and circumstances of the case, and the quantity of seized liquor, 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/- (Rs. Fifty thousand only)** with separate sureties in the like amount to the satisfaction of the **Trial Court**.

This order will remain operative subject to compliance of the following conditions by the applicant:-

The applicant will comply with all the terms and conditions of the bond executed by him;

The applicant will cooperate in the investigation/trial, as the case may be;

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 from disclosing such facts to the Court or to the Police Officer, as the case may be;

The applicant shall not commit an offence similar to the offence of which he is accused;

The applicant will not seek unnecessary adjournments during the trial; and

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.

Certified copy as per rules.

(Rajeev Kumar Dubey)
Vacation Judge

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