

31.01.2017

Shri Abhishek Parashar, counsel for the applicant.

Shri BPS Chauhan Govt. Advocate for the respondent / State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The applicant has filed this second application u/S 439, Cr.P.C. for grant of bail. The applicant has been arrested by Police Station Sheopur, District Sheopur in connection with Crime No.379/2016 registered in relation to the offences punishable u/S. 34 (2) of the Excise Act.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

The applicant is in custody since 16.11.2016. Charge sheet has been filed on 6.1. 2017. The applicant has no criminal background. The prosecution story discloses alleged offence u/S. 34 (2) of Excise Act which prescribes for maximum punishment of three years and that 59 bulk litres of country made liquor has been seized from the applicant and reading of the order of the lower Court does not indicate the presence of the criminal antecedents of the applicant and that prolonged pre-trial detention being an anathema to the concept of liberty, this Court is inclined to extend the benefit of bail to the applicant.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 50,000/- (Rs. Fifty Thousand only)** with two solvent

sureties each of Rs. 25,000/- to the satisfaction of the concerned 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.

**(Sheel Nagu)
Judge**