

MCRC-4943-2017

(ATIK Vs THE STATE OF MADHYA PRADESH)

29-05-2017

Shri Romil Malpani, learned counsel for the petitioner.

Shri C.S. Ujjainiya, learned Public Prosecutor for the respondent/State.

This is an application under Section 439, Cr.P.C by petitioner-**Atik**, who has been arrested by Police on **31.03.2017** in **Crime No.296/17, Police Station-Kotwali, District- Dewas**, in connection with **offence under Section 34(2) M.P. Excise Act, 1915.**

Allegedly, 60 bulk liters of country made liquor was seized from the possession of the present petitioner for which he was not having any valid license.

Learned counsel for the petitioner submits that the investigation of the case has been completed and a charge-sheet is likely to be filed shortly. It is further submitted that the case is triable by the Judicial Magistrate First Class and that no criminal antecedents are attributable to the petitioner. Learned Public Prosecutor for the respondent/State has not disputed the aforesaid position and has further not disputed that no criminal antecedents with regard to offence(s) under M.P. Excise Act, are attributable to the petitioner.

In view of the aforesaid facts and circumstances,

without further commenting on the merits of the case, it would be appropriate to enlarge the petitioner on bail.

Accordingly, the petition is hereby allowed and it is directed that on furnishing personal bond by petitioner in the sum of **Rs.40,000/- (Rupees Forty Thousand Only)**, with one solvent surety in the like amount to the satisfaction of the concerned Chief Judicial Magistrate/Judicial Magistrate First Class, he shall be released on bail, subject to the condition that he shall make himself available to the Police, as and when required during the investigation and will also remain present before the trial Court as and when directed in that behalf.

CC as per rules.

(VED PRAKASH SHARMA)
JUDGE