

M.Cr.C. No.8039/2017

31/07/2017

Shri Pourush Ranka, learned counsel for the petitioner.

Shri Pankaj Wadhwani, learned Govt. Advocate for the respondent/State.

This is first application under Section 439, Cr.P.C by petitioner-**Hussain**, who has been arrested by Police on **13/02/2017** in **Crime No. 178/2017, Police Station-Sitamau, District-Mandsaur**, concerning offence under **Section 34(2) of M.P. Excise Act, 1915**.

Allegedly, on 22/05/2017, 63 bulk liters of country made liquor was recovered from Fariyad and Shahjad. As per prosecution same was being taken in a pick up vehicle bearing registration No. M.P.-14-GB-0241 and petitioner happens to be the registered owner of this vehicle.

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 also submitted that the case is triable by the Judicial Magistrate First Class and that no criminal antecedents are attributable to the petitioner. It is further submitted by the learned counsel for the petitioner that co-accused Fariyad and Shahjad have already been granted bail by this Court, vide order dated 23/06/2017 passed in M.Cr.C. No. 6035/2017.

Though the prayer for bail is opposed by the learned Public Prosecutor, however, he has not disputed the aforesaid position and has further not disputed that no criminal antecedents with regard to offences under M.P. Excise Act, 1915 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 petitioners on bail.

Accordingly, the petition is hereby allowed and it is directed that on furnishing personal bond by the 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