

MCRC No.12742/2016

31/01/2017

Shri Pankar Sohani, learned counsel for the petitioner.

Shri Pankaj Wadhwani, learned Public Prosecutor for the respondent/State.

This is a first application under Section 439, Cr.P.C by petitioner-**Kamlesh**, who has been arrested by Police on **01/12/2016** in **Crime No.154/2016, Police Station Akodia District- Shajapur**, in connection with **offence under Section 34(2) M.P. Excise Act, 1915.**

Allegedly, 59.4 bulk liters of country made liquor was recovered by the Police from the premises situated at village Jaatpura. As per the prosecution the premises are recorded in the name of father of the petitioner and the allegation is that when Police Officials reached at the spot, petitioner fled away from there.

The complicity of the petitioner is primarily based on the disclosure said to have been made by co-accused Abhishek who was arrested from the spot.

Though the prayer for bail is opposed by the learned counsel for the State, however, considering the fact that the premises, where from the contraband was recovered, does not belong to the petitioner rather it belongs to the father of the petitioner, 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.

skt

(Ved Prakash Sharma)
Judge