

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE
M.Cr.C. No.11274/2018
(Balkrishna v. The State of M.P.)

Indore dtd.: 28.03.2018

Shri Bhagwansingh, learned counsel for the applicant.

Shri R.R. Maheshwari, learned Public Prosecutor for the non-applicant/State.

Heard. Case diary perused.

This is repeat application under Section 439 of Cr.P.C. **Applicant – Balkrishna** has been implicated in connection with Crime No.314/16 registered at Police Station, Excise Department Circle, Petlavad, District - Jhabua, for the offence punishable under Sections 34(1-a), 34(2), 36, 45 and 46 of M.P. Excise Act.

The first bail application of the applicant is dismissed as withdrawn vide order dated 19/02/2018, passed in M.Cr.C. No.6486/2018.

As per case diary, 54 bulk litre of Indian made Foreign Liquor has been seized from the possession of the present applicant. After investigation, charge-sheet has been filed. The applicant is in custody since 17/12/2017.

It is submitted by the learned counsel for the applicant that in other criminal cases which is pending against the present applicant of same offence is between 2010-2015 and looking to the period of custody of the present applicant, he prays for grant of bail.

On the other hand, learned Public Prosecutor for the non-applicant /State opposed the prayer and prays for its rejection.

On due consideration of the aforesaid and material available in the case diary, without expressing any opinion on

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merits of the case, the application for grant of bail is allowed. It is directed that **applicant – Balkrishna** be released on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with two local sureties in the like amount to the satisfaction of 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.
7. The applicant will mark his presence at **Police Station – Excise Department Circle, Petlavad, District - Jhabua** on every fifteenth day of the month till the trial is completed.

A copy of this order be sent to the Court concerned for compliance.

C.c. as per rules.

(P.K. Jaiswal)
Judge

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