

ANNEXURE-C
High Court of Madhya Pradesh, Jabalpur
Bench at Indore, Indore
CONTINUATION ORDER SHEET

Miscellaneous Criminal Case No.38949/2018

(Rakesh s/o Narayan Singh Ji

Versus

The State of Madhya Pradesh)

Indore, Dated 29.09.2018

Shri Vivek Singh, learned counsel for the applicant.

Shri Ramakant Sharma, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh.

They are heard. Perused the case diary.

This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant Rakesh s/o Narayan Singh Ji, who is implicated in connection with Crime No.203/2018 registered at Police Station Birlagram Nagda, Tahsil Khachrod, District Ujjain (MP) for the offence punishable under Section 34 (2) of the Madhya Pradesh Excise Act, 1915.

The applicant is in custody since 24.07.2018.

As per case diary, on the basis of information received from informant on 23.07.2018, 64,890 bulk litre of illegal liquor has been recovered from the house of co-accused Jitendra Prajapat; and allegation against the present applicant is that he along with co-accused Jitendra Prajapat used to sell liquor on commission of

rupee two per quarter.

Learned counsel for the applicant has submitted that after investigation, charge sheet has been filed; alleged offence is triable by Judicial Magistrate First Class; no further interrogation from the present applicant is required; and prays that this application for grant of bail be allowed and he be released on bail.

On the other hand, Shri Ramakant Sharma, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh has opposed the prayer and prays for its rejection.

On due consideration of totality of facts and circumstances of the case and the material evidence available in the case diary, without expressing any opinion on the merits of the case, I am inclined to allow the bail application.

Accordingly, Miscellaneous Criminal Case No.38949/2018 is allowed. It is directed that applicant **Rakesh s/o Narayan Singh Ji** shall be released on bail upon his furnishing a personal bond in the sum of **Rs.40,000/- (Rupees forty thousand only)** with two local solvent sureties in the like amount to the satisfaction of the concerned JMFC/CJM for his appearance before him or trial Court on all dates of hearing as may be fixed in this behalf by the Court concerned during trial.

This order will remain operative subject to

compliance of the following conditions: -

1. The applicant will comply with all the terms and conditions of the bond executed by him / her;
2. The applicant will cooperate in the investigation / trial, as the case may be;
3. The applicant will not indulge himself / herself 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.
6. The applicant will mark his / her presence in the concerned **Police Station [Police Station Birlagram Nagda, Tahsil Khachrod, District Ujjain (MP)] once in every month** between **10.00 AM to 12.00 Noon** during pendency of the trial.

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

C. c. as per rules.

(P.K. Jaiswal)
Judge

Pithawe RC