

High Court of Madhya Pradesh: Bench at Indore

M.Cr.C. No.39068/2018

(Satyendra vs. State of M.P.)

Indore, Dated:29/09/2018

Shri N.J. Dave, learned counsel for the applicant.

Shri Rajesh Mali, learned Public Prosecutor for the respondent/State.

This is the first application under Section 439 of Cr.P.C for grant of bail in connection with Crime No.157/2018, registered at police station Udaygad, District Alirajpur for commission of offence punishable under Section 34 (2), 42 of M.P. Excise Act, 1915.

As per prosecution case, on the basis of secret information, the police intercepted and recovered 90 bulk liters of liquor from the possession of the applicant.

Learned counsel for the applicant submits that neither the applicant is named in the FIR nor any liquor has been recovered from the possession of the applicant. He is also not the owner of the alleged motorcycle bearing registration No.MP 69-MA-3642 in which the liquor has been transported. The applicant has been implicated in the present crime only on the basis of disclosure statement of co-accused Mukesh recorded under Section 27 of the Evidence Act, which is not admissible in evidence. The applicant is in custody since 3/9/2018 and he is not required for further interrogation. The investigation is over and charge sheet has been filed. The offence registered against the applicant is triable by the Judicial Magistrate First Class. Conclusion of the trial will take long time. The applicant is not having any criminal antecedents and in future he will not be faulted with the provisions of Section 59(A) of the M.P. Excise Act. Under these circumstances, he prays for grant of bail to the applicant.

Learned counsel for the State submits that no sufficient ground is made

out for releasing the applicant on bail, hence the application filed by the applicant be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the applicant, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.

**(S. K. AWASTHI)
JUDGE**

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