

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.41752/2018

Indore, dated :31/10/2018

Shri Dharmendra Gurjar, learned counsel for the applicant.

Shri R.K. Sharma, learned Govt. Advocate for the respondent/State.

Heard. Case diary perused.

This is first application under Section 439, Cr.P.C. for grant of bail in connection with Crime No. 644/2018, Police Station-Banganga, District-Indore for commission of the offence under Section 49(A) of the M.P. Excise Act, 1915.

As per prosecution case, on 10/07/2018, on the basis of secret information, the police intercepted and recovered 4 liters of liquor from the possession of the applicant, which is suspected to be poisonous.

Learned counsel for the applicant has submitted that the applicant has not committed any offence and he has falsely been implicated in the present matter. It is alleged that 4 liters of spurious liquor has been seized from the possession of the applicant, however, there is no chemical examination report is available on record to establish that the seized liquor was poisonous or unfit for human consumption. The applicant is in custody since 10/07/2018. The offence registered against the applicant is triable by Judicial Magistrate First Class. Investigation is completed and charge-sheet has been filed. Conclusion of the trial will take sufficient long time. The applicant is not having any criminal antecedent. Under these

circumstances, learned counsel for the applicant 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 parties, 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.75,000/- (Rupees Seventy Five Thousand Only)** with one solvent surety of the like amount to the satisfaction of the 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) Cr.P.C.

If the report of the Forensic Chemical Analysis is found that the liquor was poisonous or unfit for human consumption then this order shall automatically be cancelled and the trial Court is at liberty to take the applicant in custody.

In case of bail jump this order shall become ineffective.

Certified copy as per rules.

**(S.K. Awasthi)
Judge**

skt

