

The High Court Of Madhya Pradesh

Indore : 30/11/2018 :-

Shri S.K. Meena, learned counsel for the applicant.

Shri P.M. Bhargava, learned Deputy Advocate General for the non-applicant/State.

Heard with the aid of case diary.

ORDER

This is the first bail application under Section 439 of Cr.P.C. before High Court in connection with Crime No.139/2018 under Section 34 (2) of M.P. Excise Act registered at Police Station – Akodiya, District-Shajapur and is in custody since 28/08/2018.

2. According to the prosecution case, the police apprehended the applicant and recovered 51.300 bulk liters of country made liquor from his possession for which, he was not having any valid license.

3. It is submitted by the learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. There is no evidence against him. Conclude of trial is likely to take time. The applicant is permanent resident of **District-Shajapur**. There is no possibility of his absconding. He is ready to furnish adequate security. The accused is in custody since 28/08/2018. Investigation is over and charge-sheet has already been filed. Trial is likely to take time, therefore, he prays for release of the applicant on bail.

4. The learned Government Advocate has opposed the bail application.

5. In view of the aforesaid, the quantity alleged to have

been seized from the possession of the present applicant and other facts and circumstances of the case, I deem it proper to release the accused on bail. Therefore, without commenting on merits of the case, the bail application is allowed.

6. It is directed that the applicant – **Chetan Tomar S/o Ashok Tomar** be released from custody on his furnishing a personal bond in the sum of **Rs.30,000/- (Rupees Thirty Thousand Only)** with **one** solvent surety of the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when required further subject to the following conditions :-

- (i) The applicant shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial;
- (ii) The applicant shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade him from disclosing truth before the Court;
- (iii) The applicant shall not commit any offence or involve in any criminal activity;
- (iv) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

C.C. as per rules.

(Ms. Vandana Kasrekar)
Judge

Aiyer*

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Jagdishan Aiyer
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