

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE
M.Cr.C. No.46042/2018

Shivram S/o Rama Bhilala v/s State of Madhya Pradesh
Indore, dated 31.12.2018

Shri Vinod Thakur, learned counsel for the applicant.

Shri Mukesh Kumawat, learned Government Advocate for the respondent/State.

This is first application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

The present applicant is in jail since 27.10.2018 in connection with Crime No.451/2018 registered at Police Station – Bhikangaon, District – Khargone for the offence punishable under Section 34 (2) of M.P. Excise Act.

As per prosecution case, the applicant was carrying liquor without there being any licence/permit and 60 bulk liter of alcohol has been recovered from possession of the present applicant. It has been argued that present applicant has falsely been implicated in the crime. He has disputed the Jabti Panchnama also.

Learned Government Advocate for the State has opposed the prayer for grant of bail and submits that in light of the seizure of 60 bulk liter of alcohol, the question of grant of bail doesn't arise. However, he has fairly stated before this Court that as per information available in the case-diary, there is no past track criminal record against the present applicant.

This Court after careful consideration of the case-diary, after hearing learned counsel for the parties and without further commenting upon the merits of the case, is

of the opinion that present bail application deserves to be allowed and is accordingly allowed.

Applicant – Shivram S/o Rama Bhilala is directed to be released on bail on his furnishing personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the said Court on the dates fixed in this behalf.

Certified copy, as per rules.

**(S.C. Sharma)
Vacation Judge**

Ravi

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