

# HIGH COURT OF MP BEHCN AT INDORE

**MCRC No.52168/2018**

**Omprakash vs. The State of M.P.**

**Indore: Dated:-31.12.2018**

Shri N. Dave, learned counsel for the petitioner.

Shri Suraj Sharma, learned Public Prosecutor for the respondent/State.

Heard with the aid of case diary.

## **ORDE R**

This is first application under section 438 Cr.P.C seeking anticipatory bail **in Crime No.392/2018 under Section 34(2) of M.P. Excise Act, registered at Police Station-Mandleshwar- Khargone.**

**2.** As per the prosecution case, on 13.10.2018, when the police intercepted two motorcycles and successfully caught one of them, 63 bulk liters of country made liquor was recovered from the bikers Jitendra and Mahadev. Riders of another motorcycle managed to escape from the spot and they were implicated only on the basis of memo statements of co-accused persons Jitendra and Mahadev.

**3.** It is submitted by the learned counsel for the petitioner that he has falsely been implicated on the memo statement of co-accused Jitendra and Mahadev recorded under Section 27 of the Evidence Act, therefore, he may be granted anticipatory bail.

**4.** Learned Public Prosecutor has opposed the bail prayer.

**5.** In such situation, having regard to the aforesaid, evidence available on record and other facts and circumstances of the case, the application is allowed and it is directed that in the event of arrest of the petitioner or his surrender before the Investigating Officer or before the concerned Judicial Magistrate within 30 days from today in connection with the aforesaid crime number, he shall be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/-** with one surety in the like amount to the satisfaction of the arresting officer. This order shall be governed by the conditions No.1 to 3 of sub section (2) of section 438 Cr.P.C.

**(Virender Singh)  
Judge**

**Amit**