

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.11846/2020

(Chandar Singh s/o Pudiya

Versus

The State of Madhya Pradesh)

Indore, Dated 20.03.2020

Mr. Nilesh J. Dave, learned counsel for the applicant.

Mr. Gaurav Kumar Verma, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh.

They are heard. Perused the case diary / challan papers.

This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant, who is implicated in connection with Crime No.1683/2020 registered at Police Station Excise Circle Bhikangaon, District Khargone (MP) for offence punishable under Sections 34 (1) A, 34 (2) and 36 of the Madhya Pradesh Excise Act, 1915.

The applicant is in custody since 17.01.2020.

As per prosecution story, on the basis of secret information, 65 bulk liters of illegal country made liquor has been recovered from joint possession of co-accused Dharmendra s/o Nahla and Chandar Singh s/o Pudiya (present applicant). Hence, the case has been registered against the present applicant and other co-accused person.

Learned counsel for the applicant has submitted that the applicant is innocent and he has falsely been

implicated in the present crime. This is the first case registered against the applicant under the provisions of Madhya Pradesh Excise Act, 1915. It is alleged that 65 bulk litre of illegal country made liquor alleged to have been recovered from the joint possession of the applicant and other co-accused person. The applicant is in custody since 17.01.2020. The investigation is over and charge sheet has already been filed. There is no possibility of his absconsion or tempering the evidence, if enlarged on bail. The offence registered against the applicant is triable by Judicial Magistrate First Class. Learned counsel for the applicant assured that in future applicant will not be faulted with the provision of Section 59 (A) of the M.P. Excise Act, 1915. Conclusion of the trial will take sufficiently long time. Under these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh 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 upon 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 the trial Court for his regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

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

Pithawe RC

Ramesh Chandra Pithawe

Digitally signed by Ramesh Chandra Pithawe
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