

HIGH COURT OF MADHYA PRADESH

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MCRC No.12088/20

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(Aqeel and Another Vs. State of M.P.)

Jabalpur, Dated : 20.3.2020

Shri Z.M. Shah, learned counsel for the applicants.

Shri Akshay Panwar, learned counsel for the respondent/State.

Heard on the question of grant of bail.

This is an application made by the applicants under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicants are facing trial for the offence punishable under Section 34(2) of MP Excise Act registered with Police Station-Mandi Sehore, District Sehore in Crime No.46/2020.

Learned counsel appearing for the applicants submits that 54 bulk litre of illicit liquor was allegedly seized from the joint custody of the applicants and that the applicants have no criminal antecedents. He has further submitted that the offence is triable by Magistrate and that the applicants are in custody since 28.2.2020, the investigation is complete and they are no longer required for the purpose of investigation. He has further submitted that the applicants are not guilty of the alleged offence and they are not likely to commit any offence while on bail.

In reply learned counsel for the State has opposed the grant of bail.

On perusal of the case diary and considering the circumstances of the case, I find prima facie force in the

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submissions made by the counsel for applicants. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly **allowed**.

The **applicants-Aqeel and Raees** are directed to be released on bail upon their furnishing a personal bond in the sum of **Rs. 35,000/- (Rs. Thirty Five Thousand)** each with one surety in the like amount to the satisfaction of the Trial Court for their appearance as and when directed.

The applicants will attend each hearing of the trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in automatic cancellation of the bail granted by this Court.

C.C. as per rules.

(Prakash Shrivastava)
Judge

trilok/-