

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No.64429/2021**

(Irfan @ Pidda Vs. State of M.P.)

Indore, Dated:30/12/2021

Shri Yashpal Rathore, learned Counsel for the applicant.

Shri. Mukesh Sharma, learned Panel Lawyer for the respondent/State.

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

This is applicant's first bail application filed under Section 439 of Cr.P.C. The applicant is implicated in connection with Crime No.326/2021 registered at Police Station Mhow, District Indore (MP) for offence punishable under Section 49-A of the Madhya Pradesh Excise Act, 1915. The applicant is in custody since 28/8/2021.

As per prosecution story, the applicant was found in possession of 05 bulk litres of spurious liquor.

Counsel for the applicant has submitted that the applicant is in jail since 28/8/2021 and charge sheet has already been filed. It is further submitted that the offence is triable by Judicial Magistrate First Class and final conclusion of the trial is likely to take sufficient long time. So far as the criminal antecedence of the applicant is concerned, it is submitted that eight other cases have been registered against him and only one case is registered u/S.49-A of the Excise Act and the other cases are minor in nature, therefore, it is prayed that the application be allowed and the applicant be released on bail.

Counsel for the respondent / State, on the other hand has opposed the

prayer and has submitted that looking to the criminal antecedence of the applicant, no case is made out for grant of bail.

Having considered rival submissions, perusal of the case diary and taking note of the fact that only five bulk ltr of spurious liquor has been seized from the applicant and its chemical report is also not on record and the fact that he is in jail since 28/8/2021, without reflecting anything on the merits of the case, the application filed by under Section 439 of Cr.P.C. on behalf of the applicant is hereby allowed.

The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.20,000/- (rupees twenty thousand)** with one solvent surety of the like amount to the satisfaction of the trial Court for his/her 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.

Looking to the criminal antecedence of the applicant, it is also directed that the applicant shall mark his presence before the concerned police station on every Sunday, failing which this order shall stand cancelled.

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also.

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.

(Subodh Abhyankar)
Judge

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VARGHESE MATHEW
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