
(2020) 12 MP CK 0099

Madhya Pradesh High Court (Indore Bench)

Case No: Miscellaneous Criminal Case No.44740 Of 2020

Iklak S/O Sheru Shah

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision: Dec. 10, 2020

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Madhya Pradesh Excise Act, 1915 - Section 49A

Hon'ble Judges: Prakash Shrivastava, J

Bench: Single Bench

Advocate: Rakesh Vyas, Arjun Pathak

Final Decision: Allowed

Judgement

Prakash Shrivastava, J

This is an application made by the applicant/accused 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 applicant is facing trial for offence punishable under Section 49-A of the M.P. Excise Act registered with Police Station Chimanganj Mandi,

District Ujjain in Crime no.1152/2020.

Learned counsel for the applicant submits that 5 bulk liter of liquor alleged to be unfit for human consumption has been seized from the custody of the

present applicant and that there is no FSL report. He further submits that the applicant has no criminal antecedents and the offence is triable by the

Magistrate. He also submits that the applicant is in custody since 27/10/2020 and he has completed about one and half month in custody whereas the

minimum sentence prescribed is two months. He has further submitted that the applicant is not guilty of the alleged offence and he is not likely to

commit any offence while on bail.

Learned counsel for the State has opposed the application for grant of bail but he has not disputed that the applicant has no criminal antecedents.

On perusal of the case diary and considering the circumstances of the case, I find prima facie force in the submissions made by the counsel for

applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly allowed.

The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.35,000/- (Rupees Thirty Five Thousand) with one

surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed.

The applicant will attend each hearing of his trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in

cancellation of the bail granted by this Court.

Certified copy as per rules.