
(2021) 12 MP CK 0030

Madhya Pradesh High Court (Indore Bench)

Case No: Miscellaneous Criminal Case No.60762 Of 2021

Lalsingh @ Laphsingh

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision: Dec. 10, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 437(3), 439
- Madhya Pradesh Excise Act, 1915 - Section 34(2)

Hon'ble Judges: Rajendra Kumar Verma, J

Bench: Single Bench

Advocate: Manish Yadav, Tarun Pagare

Final Decision: Allowed

Judgement

Rajendra Kumar Verma, J

This is first application under section 439 of Cr.P.C. for grant of bail on behalf of applicant, who is in custody since 23/11/2021 in connection with

Crime No.353/21, registered at Police Station " Udaigarh, District - Dewas(M.P.), for the offence punishable under Section 34(2) of M.P. Excise

Act.

According to the prosecution case, 94 bulk litres of illicit liquor has been seized from the possession of the present applicant. Accordingly, a case has been registered against the applicant.

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. The investigation is over and

charge-sheet has been filed. There is no criminal past of the applicant. The case is triable by the Judicial Magistrate First Class. The applicant is in

custody since 23/11/2021. The conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the applicant on bail.

Learned Panel lawyer has opposed the application and prayed for its rejection, but he fairly submitted that there is no criminal antecedents against the applicant.

Looking to the facts and circumstances of the case, on perusal of the material available on record including the case diary, without commenting on the

merits of the case, this application is allowed. It is directed that the applicant/accused be released on bail on his furnishing a personal bond in the sum

of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount to the satisfaction of the trial court for securing his

presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with the

provisions of Section 437(3) Cr.P.C.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned jail authorities are directed to follow the directions/guidelines issued by

the Government with regard to 'COVID-19' before releasing the applicant.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become

ineffective and cancelled without reference to this Bench.

Certified Copy as per rules.