

(2021) 12 MP CK 0069

Madhya Pradesh High Court (Indore Bench)

Case No: Miscellaneous Criminal Case No.61125 Of 2021

Sunny Jaiswal

APPELLANT

Vs

State Of MP

RESPONDENT

Date of Decision: Dec. 21, 2021

Acts Referred:

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

Citation: (2021) 12 MP CK 0069

Hon'ble Judges: Satyendra Kumar Singh, J

Bench: Single Bench

Advocate: Abhijeet Sharma, Sachin Jaiswal

Final Decision: Allowed

Judgement

Satyendra Kumar Singh, J

This is first application filed under section 439 of Cr.P.C. for grant of bail to the applicant, as he has been arrested on 26/11/2021 in connection with

Crime No.460/2021 registered at Police station Ghattiya District Ujjain for commission of offence punishable under Section 34(2) of the M.P. Excise

Act.

Prosecution story, in brief, is that applicant was found having 60 bulk liters of illicit liquor in his illegal possession without any licence and authority.

Learned counsel for the applicant submits that nothing has been seized from the possession of the applicant. Place of seizure is an open place adjacent

to the house of the applicant. Applicant has been falsely implicated in the matter at the instance of his neighbour due to prior enmity. He is in custody

since 26/11/2021. Trial will still take time for its conclusion. Hence, prayer is made to enlarge the applicant on bail.

Learned counsel for respondent/State opposed the application and submits that the applicant has criminal antecedents. However, he fairly concedes

that none of the cases registered against the applicant are under the M.P. Excise Act.

Having considered the rival submissions, quantity of liquor seized, place of seizure, material pointed out by learned counsel for the applicant and also

considering the other facts and circumstances of the case, this Court is of the view that the applicant deserves to be enlarged on bail, hence, without

commenting anything on the merits of the case, the application is allowed.

It is directed that the applicant is directed to be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand

Only) with a solvent surety in the like amount to the satisfaction of the concerned Court for his appearance before the trial Court on all such dates as

may be fixed in this behalf by the trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section

437 (3) of Cr. P. C.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned Jail Authority is directed to follow the directions/guidelines issued by

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

This M.Cr.C. stands allowed and disposed of.

C. C. as per rules.