
(2022) 02 MP CK 0041

Madhya Pradesh High Court (Gwalior Bench)

Case No: Miscellaneous Criminal Case No.6271 Of 2022

Malkhan Singh

APPELLANT

Vs

State Of Madhya
Pradesh

RESPONDENT

Date of Decision: Feb. 4, 2022

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 439#Madhya Pradesh Excise Act, 1915 " Section 34(2)#Indian Penal Code, 1860 " Section 380, 454

Citation: (2022) 02 MP CK 0041

Hon'ble Judges: G.S. Ahluwalia, J

Bench: Single Bench

Advocate: Dharendra Singh, C.P. Singh

Final Decision: Allowed

Judgement

G.S. Ahluwalia, J

This is first application filed under Section 439 of Cr.P.C. for grant of bail.

The applicant has been arrested on 10.01.2022 in connection with Crime No.11/2022 registered by Police Station " Chanderi, District Ashok Nagar

for offence punishable under Section 34 (2) of Excise Act.

It is submitted by Counsel for the applicant that according to the prosecution case, 57 bulk liters of country made liquor has been seized from the

possession of applicant. He has been falsely implicated. He is in jail for the last more than 20 days. So far as the criminal antecedents of applicant are

concerned, applicant is ready and willing to abide by any stringent condition which may be imposed by the Court. The trial is likely to take sufficiently

long time and there is no possibility of his absconding or tampering with prosecution case.

Per contra, the application is vehemently opposed by the Counsel for the respondent/State. It is submitted that applicant has criminal history and three

more offences were registered against him under different provisions of IPC but fairly conceded that applicant has already been acquitted in Crime

No.62/2013 which was registered for offence 323, 294, 506 of IPC and Crime No.582/2016 which was registered for offence under Section 454, 380

of IPC and only the criminal case No.756/2014 arising out of crime No.466/2014 is pending.

Heard the learned counsel for the parties.

Considering the period of detention and quantity of liquor and without commenting on the merits of the case, the application is allowed. It is directed

that the applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/-(Rupees One Lac Only) with one surety in the like

amount to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

It is further directed that the applicant shall appear before the S.H.O. Police Station Chanderi, District Ashok Nagar on 1st of every month during the

pendency of the Trial. In case of bail jump or non-appearance of the applicant before the police station as directed by this Court, this order shall lose

its effect.

In the light of the judgment passed by the Supreme Court in the case of Aparna Bhat & Ors. vs. State of M.P. passed on 18/3/2021 in Criminal

Appeal No.329/2021, the intimation regarding grant of bail be sent to the complainant.

Certified copy as per rule.