

**(2024) 06 MP CK 0041****Madhya Pradesh High Court (Indore Bench)****Case No:** Miscellaneous Criminal Case No. 23786 Of 2024

Sanjay @ Kutriy

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

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**Date of Decision:** June 14, 2024**Acts Referred:**

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

**Hon'ble Judges:** Amar Nath (Kesharwani), J**Bench:** Single Bench**Advocate:** Dr. Khuzema kapadia, Geetanjali Chaurasia**Final Decision:** Allowed

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**Judgement**

This is first application filed under section 439 Cr.P.C seeking bail in connection with Crime No.489/2019 registered at police station Rajendra Nagar, District- Indore for the offence punishable under section 34(2) of the M.P Excise Act.

2. As per prosecution case, 54 bulk liters of country made liquor has been recovered from the possession of the applicant and he has been arrested.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the case. He has no criminal antecedents. He is in custody since 17.08.2023. The offence is triable by Judicial Magistrate First Class. The investigation is complete and charge sheet was filed, hence counsel for the applicant prays for release of the applicant on bail during trial.

4. Learned Govt. Advocate opposes the prayer and prays for its rejection.

5. Considering the facts and circumstances of the case, the arguments advanced by the counsel for the parties, the period of custody and the quantity of liquor alleged to have been recovered from the applicant, without commenting on the merit of the case, the application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand)** with one surety in the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under section 437 (3) of the Cr.P.C.

6. This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the conditions of bail, it shall become ineffective and cancelled without reference to this Bench.

C.c as per rules.