

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46165 of 2023

Applicant :- Manish

Opposite Party :- State of U.P.

Counsel for Applicant :- Santosh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The FIR in question was lodged alleging that a vehicle was intercepted, on which, the liquor for sale in Punjab only has been found. The applicant is said to be sitting in the said vehicle.
3. It is argued by the Counsel for the applicant that in the worst case scenario, an offence under Section 60/63 of the Excise Act has been made out against the applicant, in which, less than seven years punishment has been provided. It is further argued that recovery is not in accordance with the mandate of Section 100 of Cr.P.C. and the applicant has no criminal history.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that the applicant was sitting in the vehicle in which the alleged liquor was being transported contrary to Section 60/63 of the Excise Act and the said offence is punishable less than seven years coupled with the fact that the applicant does not have any criminal antecedents, I am of the view that the applicant is entitled to be released on bail.
6. Accordingly, the bail application is ***allowed***.
7. Let the applicant ***Manish*** be released on bail in FIR/ Case Crime No.92 of 2023, under Sections 419, 420, 467, 468, 471 IPC and Section 60/63 of the Excise Act, Police Station Karma, District Sonbhadra on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 1.11.2023

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