HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.30620/2020

(**JITTU BARMAN Versus THE STATE OF MADHYA PRADESH**)

PRESENT : HON.SMT. NANDITA DUBEY, J. (THROUGH VIDEO CONFERENCING)

Jabalpur, Dated: 23.11.2020

Shri A.H. Usmani, learned counsel for the applicant.

Ms. Ankita Khare, learned Panel Lawyer for the respondent/State.

Heard.

The applicant has filed this first application under section 439 of Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station Excise Circle Office No.4, District Jabalpur in connection with Crime No.85/2020 registered in relation to the offences punishable under Sections 34(1)(a)(f) and (2) of M.P. Excise Act.

The allegation against the present applicant is that 60 bulk litres of country made liquor has been seized from him.

Learned counsel for the applicant submits that he has been falsely implicated in this offence. He is in custody since 07.08.2020 and the trial would take considerable time to conclude. He is ready to abide by all the terms and conditions as may be imposed by this Court. With the aforesaid submissions, prayer for grant of bail is made.

Learned Panel Lawyer for the respondent/State though opposes the bail application, however, fairly submits that the present applicant has no criminal antecedents as reflected from the case diary.

Considering the aforesaid, this application is allowed. It is directed that **applicant Jittu Barman** be released on bail on furnishing a personal bond in the sum of **Rs. 35,000/- (Rupees Thirty Five Thousand only)** with one surety in the like amount to the satisfaction of the trial Court/committal Court for his appearance on the dates given by the concerned Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him.

2. The applicant will cooperate in the investigation/trial, as the case may be;

3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically without further reference to the Bench.

5. The applicant will not seek unnecessary adjournments during the trial; and

6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

7. The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to time by the Supreme Court, the Central Govt. and as well as the State Govt.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Ms. Ankita Khare, learned Panel Lawyer, on their respective email address for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the learned Court below also.

Certified copy/e-copy as per rules/directions.

(Nandita Dubey)
Judge

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Digitally signed by
ASHISH KOSHTA
Date: 2020.11.23
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