HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.41854/2020

(*Asraf @ Ashu Vs. State of M.P.*)

Jabalpur, Dated :04.12.2020

HEARD THROUGH VIDEO CONFERENCING

Shri R.K. Chourasiya, learned counsel for the applicant.

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

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

The applicant is in custody since 11.10.2020 in connection with Crime No.551/2020, registered at P.S. Misrod, district Bhopal for the offence punishable under Section 34 (2) of the M.P. Excise Act.

As per prosecution, 63 bulk litres of country made liquor has been seized from the present applicant.

Learned counsel for the applicant submits that applicant has been falsely implicated in this case. The applicant is in custody since 11.10.2020 and the trial would take considerable time to conclude, therefore he be released on bail.

Learned Panel Lawyer for the respondent/State fairly submits that there is no criminal antecedents against the present applicant.

Considering that this is the first offence and there is no criminal antecedents against present applicant, this application is allowed.

It is directed that applicant **Asraf @ Ashu** shall be released on bail on his furnishing a personal bond in the sum of **Rs.35,000/- (Rs. Thirty Five Thousand only)** with one

surety in the like amount to the satisfaction of the trail Court for his presence before the said Court on all the dates of hearing fixed in this regard during the trial.

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

> *"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;*
> *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 also

directed to forward a copy of this order to the learned Court below.

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

(Nandita Dubey)
Judge



Digitally signed by GEETHA NAIR
Date: 2020.12.04 16:19:19 +05'30'