HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 44249/2020

(LALIT Vs THE STATE OF MADHYA PRADESH)

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

Jabalpur, Dated :04.12.2020

Shri Abhay Gupta, learned counsel for the applicant.

Ms. Anjali Shrivastava, learned Panel Lawyer for the respondent/State.

Heard.

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

The applicant is in custody since 03.10.2020 in connection with Crime No. 193/2020 registered at Police Station (Incharge Officer Excise), Seonimalwa, District Honshangabad (M.P.) for the offences punishable under Sections 34(2) and 47(1) of the M.P. Excise Act, 1915.

As per prosecution, total 64.8 bulk liters of country made liquor has been seized from the possession of the present applicant and other co-accused Dipak.

It is submitted by learned counsel for the applicant that this is the first offence of the applicant and there are no criminal antecedents against him. He is in custody since 03.10.2020 and due to Covid-19 Pandemic, the trial would take considerable time to conclude, therefore, he be released on bail.

On the other hand, learned Panel Lawyer opposed the bail application and prayed for its rejection. However, it is fairly submitted that there are no criminal antecedents against the present applicant.

Considering the facts and circumstances of the case and without expressing any view on the merits of the case, this application is allowed.

It is directed that applicant **Lalit** 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 trial 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 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 Government.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Ms. Anjali Shrivastava, learned Panel Lawyer, on their respective e-mail 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

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Digitally signed by BHARTI GADGE
Date: 2020.12.04 16:05:07 +05'30'