

Ashish @ Girish Rathore vs The State Of Madhya Pradesh on 28 October, 2021

Author: Arun Kumar Sharma

Bench: Arun Kumar Sharma

1

MCRC - 35357 - 2021

The High Court Of Madhya Pradesh
MCRC - 35357 - 2021

(ASHISH @ GIRISH RATHORE Vs THE STATE OF MADHYA PRADESH) Jabalpur, Dated : 28-10-2021 Shri L.C. Chourasiya, learned counsel for the applicant.

Shri Yogesh Mishra, learned Panel Lawyer for the State. Case diary is available.

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

The applicant is in custody since 31.05.2021 in connection with Crime No.447/2021 registered at Police Station Cant., District Sagar for the offence punishable under Sections 34(2), 49A of the Excise Act and under Sections 50, 1, 54, 56, 59 & 63 of the Food Safety and Standard Act, 2006.

As per the case of the prosecution, about 50 liters of country made liquor along with other articles have been seized from the joint possession of the applicant and other accused persons, which was unfit for human consumption.

Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in the case. Investigation is complete and charge sheet has been filed. The offence is triable by the Judicial Magistrate First Class. The applicant is the first offender. The applicant is in custody and trial will take considerable time to conclude, therefore, he may be released on bail.

Learned Panel Lawyer for the State has opposed the application, however, he has submitted that the chemical analysis report of the liquor is still awaited.

I have heard learned counsel for the parties. Considering the overall facts and circumstances of the case, quantity of liquor alleged to have been seized from the joint possession of the applicant and other accused persons and his custody period, I find it to be a fit case to release the applicant on bail, therefore, without commenting on the merit of the case, the application 2 MCRC-35357-2021 is allowed.

It is directed that applicant shall be released on bail on his furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of

the trial Court concerned for his appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

It is made clear that if the applicant is found involved in similar offence in future, this order shall cease to have its effect.

It is further made clear that if the chemical analysis report of the liquor seized from the possession of the applicant comes against the applicant, then this order shall become ineffective and the applicant shall surrender before the trial Court immediately failing which the trial Court will be at liberty to take the applicant into the custody.

(ARUN KUMAR SHARMA) JUDGE rj