

**THE HIGH COURT OF MADHYA PRADESH**  
**MCRC No.12198/2022**  
**Mahendra Sharma vs. State of M.P.**

**Gwalior, Dated : 21/03/2022**

Shri Devansh Mishra, Counsel for the applicant.

Shri C.P. Singh, Counsel for respondent/State.

Case diary is available.

This first application under Section 439 of Cr.P.C. has been filed for grant of bail.

The applicant has been arrested on 13.2.2022 in connection with Crime No.68/2022 registered at Police Station Dehat Basoda, District Vidisha for offence under Section 34(2) of M.P. Excise Act.

It is submitted by the counsel for the applicant that according to the prosecution case, 55.800 bulk litres of country made liquor was seized from the possession of the applicant. In view of the criminal antecedents of the applicant, he is ready and willing to abide by any stringent condition which may be imposed by the Court. The trial is likely to take sufficiently long time and there is no possibility of his absconding or tampering with the prosecution case.

*Per contra*, the application is vehemently opposed by the counsel for the respondent/State. It is submitted that the applicant has a criminal history and six more criminal cases have been registered against him including one under Section 49-A of M.P. Excise Act. It is further conceded that all other offences are not of any heinous crime.

Considering the period of detention as well as considering the fact that the applicant has a criminal history and as many as six more

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criminal cases have been registered including one under Section 49-A of M.P. Excise Act, this Court is of the considered opinion that the applicant can be granted bail only on stringent condition of furnishing cash surety. Accordingly, the application is **allowed**. It is directed that the applicant shall be released on bail on furnishing cash surety of **Rs.1,50,000/- (Rupees One Lac Fifty Thousand Only)** to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

This order shall remain effective till the end of trial but in case of bail jump, it shall become ineffective.

It is made clear that single default in appearance before the Trial Court, or in case of registration of new offence, this bail order shall automatically come to an end and the cash surety so furnished by the applicant shall automatically stand forfeited without any reference to the Court.

In the light of the judgment passed by the Supreme Court in the case of **Aparna Bhat and others Vs. State of M.P.** Passed on **18.03.2021** in **Criminal Appeal No. 329/2021**, the intimation regarding grant of bail be sent to the complainant.

CC as per rules.

**(G.S. Ahluwalia)**  
**Judge**

(alok)