

HIGH COURT OF MADHYA PRADESH : JABALPUR*Heard through Video Conferencing***MCrC No.12398/2021***(Abhishek Chauhan vs The State of Madhya Pradesh)***Jabalpur, dated : 03.05.2021.**

Shri Shailendra Singh Thakur, learned counsel for the petitioner.

Shri Nishant Yadav, learned Panel Lawyer for the State.

O R D E R

<i>Crime No.</i>	<i>Under Section</i>	<i>Police Station</i>	<i>Arrest Date</i>
84/2021	34(2) of the MP Excise Act	T.T.Nagar, Bhopal	01.02.2021.

As declared by the petitioner, this is the first bail application under Section 439 of Cr.P.C.

2. The case of the prosecution, in short, is that on 01.02.2021 police received information about illegal transportation of liquor and has seized 55 litres of country made liquor from the possession of the petitioner and co-accused.

3. Learned counsel for the petitioner argued that the applicant has been falsely implicated in the case. Alleged liquor has not been seized from the exclusive possession of the petitioner. He has no criminal past. He is in jail since 01.02.2021. The trial is likely to take time. Co-accused has already been released on bail by this Court. On the above grounds as well as claiming parity, prayer is made to enlarge the applicant on bail.

4. Per contra, learned Public Prosecutor has opposed the bail. However, in reply to the query raised by the Court, the learned Panel Layer submitted that particulars of criminal antecedent of the

petitioner are not available in the case diary. In the order of the trial Court also, such particulars have not been mentioned.

5. Having heard the parties and keeping in view the quantity of liquor recovered, period of custody, absence of criminal record and the fact that the co-accused has already been enlarged on bail as well as other facts & circumstances of the case, I deem it appropriate to release the petitioner on bail, therefore, without commenting on the merits of the case, the petition is *allowed*.

6. It is directed that the petitioner *Abhishek Chauhan* be released from custody on his furnishing a personal bond in the sum of *Rs.25,000/- (Rupees Twenty Five Thousand)* with one solvent surety to the satisfaction of the Trial Court for his appearance before the Trial Court as and when required further subject to the following conditions :-

(i) The petitioner shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial.;

(ii) The petitioner shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade him from disclosing truth before the Court;

(iii) The petitioner shall not commit any offence or involve in any criminal activity;

(iv) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

7. It has been observed during hearing that non-availability of criminal antecedents of the petitioner/accused is a big hindrance in early disposal of the bail application which is otherwise supposed to be disposed off at the earliest.

8. Further, on several occasions it has also been observed that such information is either not available in the case diary or has been misplaced. This constrains the public prosecutors representing the State to argue the matter effectively on this issue which further impedes hearing of the bail applications.

9. It would, therefore, be appropriate to direct all the courts below hearing the bail applications to make it imperative to mention whether the petitioner/accused has any criminal antecedents. If yes, then particulars of such criminal antecedents shall also be mentioned in the bail order of the Court concerned, preferably in the tabular form.

10. To facilitate the aforesaid exercise it would be incumbent upon the applicant applying for bail to specifically mention his/her criminal antecedents in the application itself which would further be verified by the subordinate Court with the assistance of counsel for the State.

11. This order be circulated to all the Subordinate Courts/Trial Courts for compliance so that smooth hearing and early disposal of the bail applications by the higher Courts can be ensured without any adjournment on this issue.

(VIRENDER SINGH)
JUDGE

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