

THE HIGH COURT OF MADHYA PRADESH
MCRC No. 57656/2021
(MEENA GURJAR Vs STATE OF MADHYA PRADESH)

Gwalior, Dated : 06/12/2021

Shri Utkarsh Dubey, Counsel for applicant.

Shri R.K. Awasthi, Counsel for State.

Case diary is available.

This is second application filed under Section 439 of Cr.P.C. for grant of bail. The first application was dismissed by order dated 27.10.2021 passed in M.Cr.C. No.52934/2021 as withdrawn.

The applicant has been arrested on 06/10/2021 in connection with Crime No.222/2021 registered at Police Station – Abkari Police Vrat Kolaras, District Shivpuri for offence under Sections 34(1) and 49(A) of M.P. Excise Act.

It is submitted by Counsel for the applicant that although the Police has filed the copy of the FSL report along-with charge-sheet but has not filed the copy of draft by which the articles were sent. Therefore, it is not known as to whether the liquor seized from the possession of applicant was injurious to health or not.

Per contra, it is submitted by Counsel for State that minimum sentence after the amendment in the M.P. Excise Act under Section 49-A (d) (i) of M.P. Excise Act is 6 months. If the draft of sending the seized articles has not been filed along-with charge-sheet, then the said defect would be cured by filing the additional documents.

Considering the minimum sentence provided under Section

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Section 49-A (d) (i) of M.P. Excise Act, the application is **dismissed** with liberty to revive the prayer after undergoing some reasonable period of detention.

(G.S. Ahluwalia)
Judge

Aman