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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE DEEPAK KUMAR AGARWAL**

ON THE 17th OF MARCH, 2023

MISC. CRIMINAL CASE No. 11866 of 2023

BETWEEN:-

**KALLU @ VIVEK DHAKAD S/O DARSHAN LAL DHAKAD,
AGED ABOUT 27 YEARS, OCCUPATION:
AGRICULTURIST VILLAGE SEMAI THANA AND TEHSIL
KAILARAS MORENA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI BRIJESH TYAGI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION KAILARAS MORENA (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI NITIN GOYAL - PANEL LAWYER)

This application coming on for admission this day, the court passed the following:

ORDER

This is **first** bail application u/S.439 Cr.P.C filed by the applicant for grant of bail.

Applicant has been arrested on 27.02.2023 by Police Station- Kailaras District Morena (MP), in connection with Crime No.82/2023 for the offence punishable under Sections 34(2) of the Excise Act.

As per prosecution story, police Kailaras, Morena seized 72 liters of illicit liquor from the possession of applicant on the suspicion that it is unfit for human consumption. Offence was registered.

Learned counsel for the applicant submits that the applicant is innocent

and has been falsely implicated in the case. Charge sheet has been filed. He is in custody since 27.02.2023. In this situation, learned counsel for the applicant has prayed that applicant deserves to be released on bail.

Learned counsel for the State opposed the application and prayed for its rejection.

Heard learned counsel for the parties and perused the case diary.

Looking to the aforesaid facts and circumstances of the case, without commenting upon the merits of the case, this Court is of the opinion that the application should be allowed and by allowing the application it is ordered that if the applicant furnishes **cash security of Rs.15,000/- along with bail bond of Rs.25,000/- (Rupees twenty five thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, he should be released on bail.

He will present during trial before the trial Court on each and every date. In case of any default, **cash security of Rs.15,000/- shall be forfeited** without giving any notice.

A copy of this order be sent to the concerned trial Court for information and compliance.

CC as per rules.

(DEEPAK KUMAR AGARWAL)
JUDGE