

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 19th OF APRIL, 2024**

MISC. CRIMINAL CASE No. 14722 of 2024

BETWEEN:-

**RAMU @ BRAJBHAN S/O AJIR BIHARI BHADORIYA,
AGED ABOUT 27 YEARS, R/O GRAM AKLONI TEH
GORMI DISTRICT BHIND MP (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI ANURAG SHARMA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE THANA GORMI DISTRICT
BHIND MP (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI RAJEEV UPADHYAY - PUBLIC PROSECUTOR)

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

ORDER

This is **first** application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail relating to FIR No.63 of 2024 registered at Police Station Gormi, District Bhind (M.P.) for the offence under Section 34(2) of Excise Act.

As per prosecution story, 57 bulk liters of illicit liquor has been seized from the possession of present applicant without having any valid license.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. Offence is triable by the JMFC. Trial is likely to take long time to conclude. The applicant is in custody since 28.03.2024. He is

permanent resident of Gormi, District Bhind(M.P.) and there is no possibility of his absconion or tampering with the prosecution evidence. There is no criminal history against the applicant. Hence, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application and prayed for dismissal of present bail application.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is **allowed** and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with a solvent surety in the like amount to the satisfaction of the trial Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him/her/themselves;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself/themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicant will not commit any other offence or will not repeat the offence in future.
- 5) The applicant will not seek unnecessary adjournments during the trial;
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case

may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

mani

