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

**BEFORE  
HON'BLE SMT. JUSTICE SUNITA YADAV  
ON THE 25<sup>th</sup> OF APRIL, 2024**

**MISC. CRIMINAL CASE No. 16527 of 2024**

**BETWEEN:-**

**SUNIL S/O SHRI RAGHUVIR KANJAR, BHANPURA AT  
PRESENT SANAI KA DERA THANA MRAGWAS  
DISTRICT GUNA (MADHYA PRADESH)**

**.....APPLICANT**

***(BY SHRI MURARI LAL YADAV - ADVOCATE)***

**AND**

**THE STATE OF MADHYA PRADESH THROUGH POLICE  
STATION MRAGWAS DISTRICT GUNA (MADHYA  
PRADESH)**

**.....RESPONDENTS**

***(BY SHRI RAJENDRA SINGH YADAV - PUBLIC PROSECUTOR)***

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

**ORDER**

This is first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No. 85 of 2024 registered at Police Station Mragwas, District Guna (M.P.) for the offence under Section 34 (2) of Excise Act.

Allegation against the present applicant is that 65 litres of illicit liquor has been recovered from the possession of the applicant for which he was not having any valid license.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that the applicant is in

custody since 08.04.2024. Offence is triable by JMFC. Trial is likely to take long time to conclude. The applicant is having no criminal history. The applicant is permanent resident of District Guna (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Hence, he prays for grant of bail to the applicant.

P e r contra, learned Public Prosecutor for the respondent/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.1,00,000/- (Rupees One Lakh Only)** with one 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;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3 ) The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him 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. In case, if he is found involving in the offence of same nature, this bail**

**order shall stand cancelled automatically without further reference to the Bench.**

5) The applicant will not seek unnecessary adjournments during the trial; and

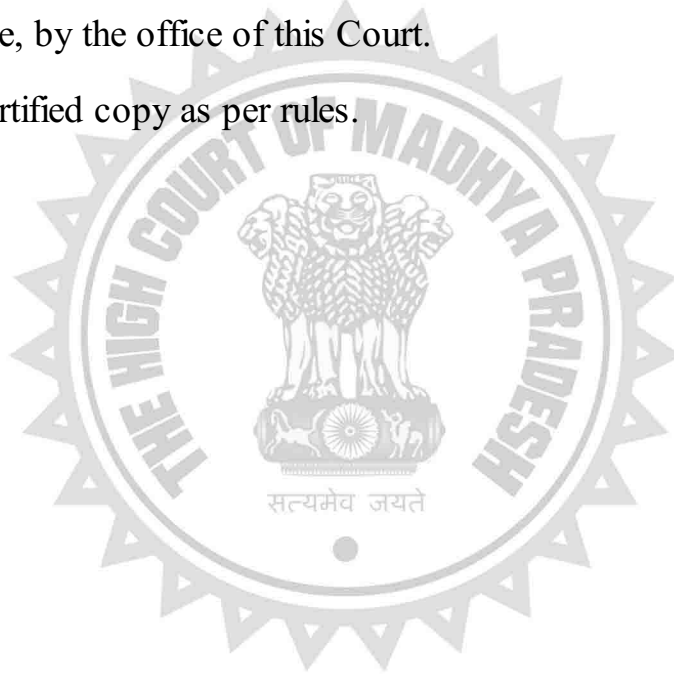
6 ) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

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.

AK/-



**(SUNITA YADAV)  
JUDGE**