

**High Court of Madhya Pradesh, Jabalpur**  
**Bench at Indore**

**Miscellaneous Criminal Case No.49751/2018**

(Kanhaiyalal s/o Laxman Ji Jaat

Versus

The State of Madhya Pradesh)

**Indore, Dated 18.12.2018**

Shri Sanjay Kumar Sharma, learned counsel for the applicant.

Shri Vishal Sanothiya, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh.

They are heard. Perused the case diary.

This first application under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail has been filed by the applicant, who is apprehending his arrest in connection with Crime No.391/2018 registered at Police Station Manak Chouk, Ratlam District Ratlam (MP) for offence punishable under Section 34 (2) of the Madhya Pradesh Excise Act, 1915.

As per the prosecution story, on 09.10.2018, upon secret information, old ALTO vehicle bearing registration number MP-09 CC-2571 standing near (NALA) rivulet at Karmadi Road was searched by Police and seized illicit liquor of 60 bulk litre from co-accused Ramcharan and on his disclosure memo, case has been registered against the present applicant.

Learned counsel for the applicant has submitted that the applicant is innocent and he has been falsely been implicated in the present crime. Neither liquor has been seized from his possession nor he is the owner of the vehicle (MP-09 CC-2571) in which illicit liquor was being

transported. The applicant has been implicated in the present crime only on the basis of disclosure memorandum of co-accused Ramcharan recorded under Section 27 of the Indian Evidence Act, 1872, which is not legal evidence. It is further submitted that co-accused Ramcharan has been enlarged on bail by this Court vide order dated 11.12.2018 passed in Miscellaneous Criminal Case No.49634/2018. He further submitted that the applicant is ready to cooperate with the investigation and there is no possibility of his absconsion or tampering with the evidence, if enlarged on bail. Under these circumstances, learned counsel prays for grant of anticipatory bail to the applicant.

On the other hand, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh vehemently opposed the bail; and prayed for rejection of the anticipatory bail application.

Considering the facts and circumstances of the case, but without commenting anything on the merits of the matter, I deem it proper to grant anticipatory bail to the applicant.

Accordingly, this application is allowed. It is directed that in the event of arrest, applicant Kanhaiyalal s/o Laxman ji Jaat shall be released on bail, on his executing a personal bond in the sum of **Rs.50,000/- (rupees fifty thousand only)** and furnishing one solvent surety in the like amount to the satisfaction of the Arresting Officer (Investigating Officer).

The applicant shall make himself available for

interrogation by a Police Officer, as and when required. He shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

Accordingly, Miscellaneous Criminal Case No.49751/2018 stands allowed.

Certified copy as per rules.

**(S.K. Awasthi)**  
**Judge**

