

# The High Court Of Madhya Pradesh

MCRC-45767-2020

(MAHESH Vs THE STATE OF MADHYA PRADESH)

Indore, Dated : 25-11-2020

**Heard through Video Conferencing.**

Shri Ranjeet Sen, learned counsel for the applicant.

Ms. Kirti Patwardhan, learned Public Prosecutor for the non-applicant - State.

Submissions were made on this first bail application filed under Section 439 of Cr.P.C. filed by the applicant, who has been implicated in Crime No.522/2020 registered at Police Station Kishanganj, Mhow, District Indore for committing offence under Section 49-A of M. P. Excise Act.

As per prosecution story, 15 bulk litres of poisonous liquor was seized from the possession of the applicant.

Learned counsel for the applicant has submitted that charge-sheet has since been filed, that in FIR and other documents, instead of name of present applicant, name of one Gopal has been written.

Learned Public Prosecutor was also heard who submits that aforesaid mistake was typographical error and the name of Gopal was scored out and name of applicant has been mentioned. She further submits that there are as many as 10 cases registered against the applicant, six of which pertains to M. P. Excise Act.

Considered.

The discrepancy in respect of name appears to be a typographical error because name of father remains unchanged and in the prosecution documents, name of father of applicant has been shown as Bherulal.

In view of past criminal antecedents of the applicant pertaining to Excise Act, at this stage, bail cannot be granted. However, applicant shall have liberty to press for fresh application after examination of independent witnesses.

The Trial Court is directed to examine the independent witnesses within

a period of 60 days from the date of receipt of certified copy of this order.

With the aforesaid liberty, this application stands disposed of.

**(SHAIENDRA SHUKLA)**  
**JUDGE**

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