

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

**Miscellaneous Criminal Case No.59781/2021**

(Nitesh S/o Late Shri Jagdish Bachada  
Versus  
The State of Madhya Pradesh)

**Indore, Dated 06.12.2021**

Shri Abhishek Rathore, learned counsel for the applicant.

Shri Sameer Verma, learned Panel Lawyer for the respondent /  
State of Madhya Pradesh.

They are heard. Perused the case diary / challan papers.

This is the applicant's **first** bail application under Section 439 of Criminal Procedure Code, 1973. He is implicated in connection with Crime No.151/2021 registered at Police Station Nahargarh, District Mandsaur (MP) for offence punishable under Section 34 (2) of Madhya Pradesh Excise Act, 1915.

The applicant is in jail since 17.11.2021.

The allegation against the applicant is that he along with other co-accused persons was involved in the aforesaid offence, wherein a quantity of 143.40 bulk liters of unauthorized liquor has been seized from the joint possession of co-accused persons viz. Rohit Banchada s/o Smt. Nagin Bai Bachada and Bherulal s/o Smt. Shyamkali Bai, which they were carrying in a vehicle (Maruti) without having registration number.

Counsel for the applicant has submitted that co-accused Rohit S/o Smt. Nagin Bai Bachada and Bherulal s/o Smt. Shyamkali Bai

have already been granted bail by this Court in Miscellaneous Criminal Case No.26281/2021 and Miscellaneous Criminal Case No.21372/2021 vide order dated 07.06.2021 and 24.05.2021 respectively.

Counsel for the applicant has submitted that the present applicant has been falsely implicated in the case only on the basis of a memo prepared under Section 27 of the Evidence Act of co-accused as the person whom the liquor was to be supplied.

It is further submitted that the offence registered against the applicant is triable by Judicial Magistrate First Class and final conclusion of the trial is likely to take sufficient long time. Thus, it is submitted that the applicant be released on bail.

Learned counsel for the respondent / State, on the other hand, has opposed the prayer and it is submitted that as many as sixteen cases have been registered against the applicant. However, it is not denied that no other material is available on record to connect the applicant with the alleged offence except the memo prepared under Section 27 of the Evidence Act.

Having considered the rival submissions, perusal of the case diary and considering the fact that no other material evidence is available on record to connect the applicant with the offence, except the memo prepared under Section 27 of the Evidence Act and the final conclusion of the trial is likely to take sufficiently long time,

this Court finds force with the contention raised by the counsel for the applicant.

Accordingly, the present application for grant of bail is hereby **allowed**. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed. The applicant shall be abide by the conditions as enumerated under Section 437(3) of Cr.P.C.

Looking to the criminal antecedents of the applicant, he **shall mark his presence before the concerned Police Station on every Sunday of the month between 12.00 Noon to 04:00 PM.**

It is made clear that, after being released on bail, if the applicant again indulges himself in any criminal activity, the present bail order shall stand cancelled without further reference to the Court and the police shall be entitled to arrest the applicant in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.

**(Subodh Abhyankar)**  
**Judge**