

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 19th OF MAY, 2022****MISC. CRIMINAL CASE No. 17160 of 2022****Between:-****AKASH S/O SATISH , AGED ABOUT 28 YEARS, OCCUPATION: SERVICE
3, BAJRANG NAGAR, REWA (MADHYA PRADESH)****.....APPLICANT****(BY SHRI NEERAJ SIRESIYA, ADVOCATE)****AND****THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION APRADH SHAKHA (MADHYA PRADESH)****.....RESPONDENT****(BY SHRI VIRAJ GODHA, PANEL LAWYER)***This application coming on for this day, the court passed the following:***ORDER**

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 14.3.2022 in connection with Crime No.9/2022, registered at P.S. Crime Branch, Indore, District Indore (M.P.) for commission of offence punishable under Section 34(2) of M.P. Excise Act and under Section 420 of IPC.

As per the prosecution story, the police received a secret information regarding contemplation of liquor. Act upon the said information police reached at the spot and found that present applicant along with other co-accused persons were opening Desi quarter and they poured colour water and essence in place of liquor. Total 162 bulk litres

liquor worth Rs.90,250/- in the 18 boxes have been recovered from their joint possession. Accordingly, a case has been registered against the present applicant and other co-accused persons.

Learned counsel for the applicant has contended that applicant is innocent and he has been falsely implicated in the alleged offence. He is in custody since 14.3.2022. Investigation is over and charge sheet has been filed. He has no criminal background and there is no apprehension of the applicant to flee away from the course of justice. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per contra, learned GA for respondent/State opposes the bail application and prays for its rejection by submitting that in case if antecedents are found against the applicant then the bail granted by this Court be rejected.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that the alleged offence is triable by JMFC, investigation is almost over and no further interrogation of the applicant is required, final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.75,000/-** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

It is made clear that in case if any antecedent is found against the applicant then the bail granted by this court shall automatically stand cancelled.

C.C. as per rules.

(ANIL VERMA)
V. JUDGE

SS/-