

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. 18492 of 2022****Between:-**

HARISH @ HARISHINGH S/O KAMLA NISHAD , AGED ABOUT 36 YEARS, OCCUPATION: LABOUR PERMANENT ADD GRAM BHEDI, 1. DANDA, POLICE STATION JALALPUR, DISTRICT HAMIRPUR (U.P.), AT PRESENT-MAMA KA AAHATA, POLICE STATION CHANDAN NAGAR, INDORE (MADHYA PRADESH)

DHARMPAL S/O LALMAN KEVAT, AGED ABOUT 36 YEARS, OCCUPATION: LABOUR, PERMANENT ADD GRAM GUDA, TEH. 2. URAI, P.S. DAKOR, DISTT. JAON AND PRESENT ADDRESS MAMA KA AAHATA, P.S. CHANDAN NAGAR, INDORE (MADHYA PRADESH)

.....APPLICANTS***(BY SHRI BHARAT SHARMA, ADVOCATE)*****AND**

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION CRIME BRANCH (MADHYA PRADESH)

.....RESPONDENT***(BY SHRI VIRAJ GODHA, PANEL LAWYER FOR STATE)***

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

ORDER

Applicants have filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 13.3.2022 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 applicants 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 applicants has contended that applicants are innocent and he has been falsely implicated in the alleged offence. He is in custody since 13.3.2022. Investigation is over and charge sheet has been filed. They have no criminal background and there is no apprehension of the applicants to flee away from the course of justice. Final conclusion of trial will take considerable long time. Hence, he prays that applicants 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 applicants 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 applicants 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 applicants be released on

bail upon their furnishing a personal bond in the sum of **Rs.75,000/-** each with one solvent surety each in the like amount to the satisfaction of the trial Court for their appearance before the trial Court, as and when required. They shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

It is made clear that in case if antecedents are found against the applicants then the bail granted by this court shall automatically stand cancelled.

C.c. as per rules.

(ANIL VERMA)
V. JUDGE

SS/-