

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 22nd OF JUNE, 2022****MISC. CRIMINAL CASE No. 29120 of 2022****Between:-****KALU S/O JAGSINGH , AGED ABOUT 18 YEARS, OCCUPATION:
LABOUR VILLAGE LUDRA FALIYA TITVAPALASIYA (MADHYA
PRADESH)****.....PETITIONER*****(BY SHRI VINOD THAKUR, ADVOCATE)*****AND****THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION BARWAH. (MADHYA PRADESH)****.....RESPONDENTS*****(BY SHRI VIRAJ GODHA, PL)***

*This application coming on this day for orders 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 30.5.2022 in connection with Crime No. 181/2022 registered at P.S.

- Barwah District Khargone (M.P.) for commission of offence punishable under Section 34(2) of MP Excise Act.

As per prosecution story, on 2.4.2022 police received discrete information from the informer about transportation of illegal liquor. Acting upon said information, police intercepted motorcycle bearing registration no MP-09-NC-9460 driven by co-accused Mukesh along with the present applicant. On seeing the police party present applicant fled away from the spot. On search, the co-accused was found to be in possession of 70 bulk litres liquor unauthorisedly and illegally. Accordingly, a case has been registered.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. He further submits that there is no legal evidence available on record to connect the applicant with the aforementioned offence and no further custodial interrogation is required. Applicant is in jail since 30.5.2022. He is a permanent resident of District Khargone. Co-accused person Mukesh has been enlarged on bail by this court by order dated 23.5.2022 passed in M.Cr.C.No. 25452/2022, therefore, present applicant also deserves for bail on the ground of parity.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection. But he fairly admits that applicant has no criminal antecedent.

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 applicant is in jail since 30.5.2022, co-accused Mukesh has been enlarged on bail by this court in similar circumstances, I deem it proper to release the applicant on bail on the ground of parity.

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.60,000/- (Rs. Sixty Thousand only)** 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.

C.C. as per rules.

(ANIL VERMA)
J U D G E

BDJ