

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 28th OF JUNE, 2022

MISC. CRIMINAL CASE No. 30775 of 2022

Between:-

TARUM KHAN @ SALMAN @ FARHAN,
S/O SHRI RAFIK KHAN,
AGED ABOUT 18 YEARS,
OCCUPATION: LABOUR,
R/O 7/5 CHANDAN NAGAR,
INDORE (MADHYA PRADESH)

.....APPLICANT

(BY SHRI VIKRAM BHATNAGAR, ADV.)

AND

THE STATE OF MADHYA PRADESH,
THROUGH STATION HOUSE OFFICER,
POLICE STATION RAU,
DISTRICT INDORE (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI RAHUL SOLANKI, GA)

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

O R D E R

The applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail

since 05/05/2022 in connection with Crime No.350/2022 registered at Police Station Rau, District Indore (M.P.) for commission of offence punishable under Section 49(A) and 34 of the M. P. Excise Act.

As per the prosecution story, the applicant was found to be in possession of 05 litre spurious liquor unauthorisedly and illegally during the search by police. 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. Offence is triable by Judicial Magistrate First Class. Applicant is in jail since 05/05/2022. He is a permanent resident of District Indore. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned counsel for the respondent/State opposes the bail application and prays for its rejection by submitting that there are six criminal antecedents found against the present applicant, out of which one case is under the Excise Act. Hence, as the applicant is a habitual offender, he is not entitled to be released on bail.

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 05/05/2022, offence is triable by JMFC, although six criminal antecedents have been found against the present applicant but only one case is related with the M.P. Excise Act and 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.70,000/- (Rupees Seventy Thousand Only)** with one local 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.

Certified copy as per rules.

(ANIL VERMA)
J U D G E