

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 5th OF AUGUST, 2022

MISC. CRIMINAL CASE No. 38083 of 2022

Between:-

**TONY S/O PRAHLAD CHOUDHURY, AGED
ABOUT 38 YEARS, OCCUPATION: LABOUR
VILLAGE PARDESHI MOHALLA,
BANDICHOD MARG, NOGAO, DISTRICT
DHAR (MADHYA PRADESH)**

.....PETITIONER

(MANISH YADAV, LEARNED COUNSEL FOR THE PETITIONER)

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION EXCISE CIRCLE,
DISTRICT DHAR (MADHYA PRADESH)**

.....RESPONDENTS

**(PROXY COUNSEL SHRI VISMIT PANOT PL APPEARING ON
BEHALF OF ADVOCATE GENERAL)**

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

O R D E R

This is the first anticipatory bail application filed under

Section 438 of the Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in connection with Crime No. 955/2022 registered at P.S. -Excise Circle Dhar District Dhar (M.P.) for commission of offence punishable under Section 34(2) of MP Excise Act.

As per the prosecution story, police got discrete information from the informer about transportation of illegal liquor. Act upon said information, police reached on the spot and recovered 60 bulk liters beer from the Grossary shop which was possessed by applicant. From the spot Aadhar card of applicant was seized. Accordingly offence has been registered against the applicant and other co-accused persons.

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this matter. He has been made accused in this offence only on the basis of Aadhar card seized from the spot. Applicant has no criminal antecedent. He is a permanent resident of District Dhar. Final conclusion of trial will take considerable long time. Hence, he prays that the applicant be released on anticipatory bail.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection.

Perused the case diary as well as the impugned order passed by the court below.

Considering all the facts and circumstances of the case,

arguments advanced by both the parties, nature and gravity of allegation and also taking note of the fact that present applicant has been made accused on the basis of seized aadhar card from the spot, the applicant was not present on the spot, applicant has no criminal antecedent, and that final conclusion of trial will take long sufficient time, I deem it proper to release the applicant on anticipatory bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that in the event of applicant's arrest, the applicant be released on anticipatory bail upon his furnishing a personal bond in the sum of **Rs. 70,000** /- with one solvent surety of the like amount to the satisfaction of the Arresting Officer for his appearance before the Investigating officer during the course of investigation as and when directed. Conditions of section 438(2) CRPC shall also apply on the applicant during currency of bail.

With the aforesaid, the application stands disposed of.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

BDJ