

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 29th OF SEPTEMBER, 2022

MISC. CRIMINAL CASE No. 47009 of 2022

BETWEEN:-

**KALU S/O MANGILAL, AGED
ABOUT 35 YEARS,
OCCUPATION: LABOUR, R/O
WARD NO. 11, BODA, THANA
BODA RAJGARH (MADHYA
PRADESH)**

.....APPLICANT

(MR. YASHRAJ GUPTA, LEARNED COUNSEL FOR THE APPLICANT)

AND

**THE STATE OF MADHYA
PRADESH STATION HOUSE
OFFICER THROUGH POLICE
STATION BODA, DISTRICT
RAJGARH (MADHYA PRADESH)**

.....RESPONDENT

**(MS. NISHA JAISWAL, LEARNED 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

The applicant has filed this first bail application under

Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 10/09/2022 in connection with Crime No.208/2022 registered at Police Station Boda, District Rajgarh (M.P.) for commission of offence punishable under Section 34(2) of the M. P. Excise Act.

As per the prosecution story, the applicant was found to be in possession of 60 bulk litres 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 10/09/2022. He is a permanent resident of District Rajgarh and 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 investigation is still going on and applicant's have as many as four criminal antecedents. He is a habitual offender. Hence, 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 10/09/2022; offence is exclusively triable by JMFC 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