

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 25th OF NOVEMBER, 2022

MISC. CRIMINAL CASE No. 51955 of 2022

BETWEEN:-

**SUMITRA S/O HUKUMSINGH, AGED
ABOUT 35 YEARS, OCCUPATION:
MAZDOOR, R/O PITHAMPUR, TEHSIL
DHAR, DISTRICT DHAR (MADHYA
PRADESH)**

.....APPLICANT

***(SHRI ZAFAR SADIQUE QUESHI, LEARNED COUNSEL FOR THE
APPLICANT)***

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION SANAVAL, DISTRICT
KHARGONE (MADHYA PRADESH)**

.....RESPONDENT

***(SHRI N.S. BHATI, LEARNED GA 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. She is in jail since 18/08/2022 in connection with Crime No.417/2022 registered

at Police Station Sanawad, District Khargone (M.P.) for commission of offence punishable under Section 34(2) of the M.P. Excise Act.

As per the prosecution story, the co-accused was found to be in possession of 63 bulk litres country made liquor unauthorisedly and illegally during the search by police. On the basis of the memorandum given by the co-accused under Section 27 of the Evidence Act, present applicant has been implicated in this offence. Accordingly, a case has been registered.

Learned counsel for the applicant submits that applicant is innocent and she has been falsely implicated in this matter. Present applicant has been implicated in the offence only on the basis of the memorandum given by the co-accused under Section 27 of the Evidence Act, but nothing has been recovered from his possession. 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 18/08/2022. She is permanent resident of District Khargone and final conclusion of trial will take considerable long time. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

Per-contra, learned counsel for the respondent/State opposes the bail application and prays for its rejection. However, he fairly

admits that the present 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 18/08/2022; applicant is implicated in the offence only on the basis of the memorandum given by the co-accused but nothing has been recovered from his possession; offence is exclusively triable by JMFC and final conclusion of trial will take considerable long time. Hence, 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 her 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 her appearance before the trial Court, as and when required. She 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