

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. 52200 of 2022

BETWEEN:-

**NARESH S/O VASNA BHABHOR, AGED
ABOUT 30 YEARS, OCCUPATION:
DRIVER / LABOUR, R/O GRAM
MANDALI, TEHSIL MEGHNAGAR,
DISTRICT JHABUA (MADHYA
PRADESH)**

.....APPLICANT

(SHRI AKASH RATHI, LEARNED COUNSEL FOR THE APPLICANT)

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION MEGHNAGAR,
DISTRICT JHABUA (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. He is in jail since 23/10/2022 in connection with Crime No.480/2022 registered at Police Station Meghnagar, District Jhabua (M.P.) for commission of offence punishable under Section 34(2) and 36 of the M.P. Excise Act.

As per the prosecution story, the applicant was found to be in possession of 576 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. He has no criminal background. Offence is triable by Judicial Magistrate First Class. Applicant is in jail since 23/10/2022. He is the permanent resident of District Jhabua 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 there is no criminal antecedent found against the present applicant.

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 23/10/2022; applicant has no criminal antecedent; 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 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