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

**BEFORE
HON'BLE SHRI JUSTICE PRANAY VERMA
ON THE 2nd OF DECEMBER, 2022**

MISC. CRIMINAL CASE No. 53452 of 2022

BETWEEN:-

**ATIK S/O RASHID KHA, AGED ABOUT 42 YEARS,
OCCUPATION: LABOR R/O NARSINGGARH DIST.
RAJGARH (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI A. MOURYA-ADVOCATE)

AND

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

.....RESPONDENTS

(BY SHRI RAHUL SOLANKI-GOVERNMENT ADVOCATE)

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

ORDER

1. This is first application under Section 439 of Cr.P.C for grant of bail. The applicant is implicated in connection with Crime No.562/2022, registered at Police Station P.S. Narsingharh, District Rajgarh , for the offence punishable under Sections 34(2) of M.P. Excise Act.

2. The applicant is in custody since 29.09.2022.

3. The allegation against the applicant is that from the possession of applicant 80 bulk litre unauthorized country made liquor has been seized.

4 . Counsel for the applicant submits that he has not committed any offence alleged by the prosecution. He is in jail since 29.09.2022. Investigation

is complete and challan has been filed. Final conclusion of trial is likely to take sufficient long time and material produced by the prosecution appears to be insufficient against him. Therefore, the applicant be released on bail.

5. Counsel for the respondent/State, on the other hand, has opposed the prayer and prays for rejection of the application as sixteen criminal antecedents are registered against the applicant under various enactments.

6. After considering the rival submissions made by the learned counsel for the parties and going through the case diary, in the opinion of this Court looking to the amount of liquor seized from the possession of the applicant and the period of custody already undergone by him, it is a fit case for grant of bail.

7. Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

8. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(PRANAY VERMA)
JUDGE