

**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. 53982 of 2022

BETWEEN:-

- TAHIR SHAH S/O MUKHTAR SHAH, AGED ABOUT 32 YEARS, OCCUPATION: LABOURERS HOUSE NO. 76, DADAMIYA
1. KA TAKIYA SANGHMESHWAR MALEGAON, MAHARASTRA (MAHARASHTRA)
 - SHEIKH AASHIF S/O SHEIKH SALIM, AGED ABOUT 33 YEARS, OCCUPATION: LABOURER HOUSE NO. 60, ISLAMPURA
 2. WARD KHWAJA NAWAZ CHOWK, AKHATARABAD MALEGAON, (MAHARASHTRA)

.....PETITIONERS

(SHRI ANIL MALVIYA, LEARNED COUNSEL FOR THE PETITIONERS)

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION THIKRI DISTRICT
BARWANI (MADHYA PRADESH)**

.....RESPONDENT

(SHRI N.S. BHATI 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

Applicants have filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. They are in Jail since 17.9.2022 in connection with Crime No. 337/2022 registered at P.S. Thikri District Barwani (M.P.) for commission of offence punishable under Section 34(2) of the M. P. Excise Act. And under section 4,6,9 of MP Govansh Vadh Pratishedh Adhinyam and 11 D of Prevention of Cruelty to Animals Act.

As per prosecution story, on 17.9.2022 police received discrete information from the informant about illegal transportation of contraband. Acting upon said information, police party reached on the spot and caught the truck bearing registration No. MH-18-M-6277 driven by applicant Tahir and on being asked by police the applicant Sheikh Aashif has told that he is also driver. During search, total 23 cows and bulls and 80 bulk liters of hand made liquor in two plastic canes was recovered from the said vehicle. The applicants were Accordingly, a case has been registered.

Learned counsel for the applicants submits that applicants are innocent and they have been falsely implicated in this matter. He further submits that there is no legal evidence available on record to connect the applicants with the aforementioned offence and no further custodial interrogation is required. Applicants are in jail

since 17.9.2022. The applicants are 32 and 33 years of age and they are permanent resident of Malegaon Maharashtra. Final conclusion of trial will take considerable long time. Hence, he prays that applicants be released on bail.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection by submitting that one criminal antecedent has been found against applicant Tahir Shah but no criminal antecedent has been found against applicant Sheikh Aashif.

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 applicants are in jail since 17.9.2022, offence is triable by JMFC, investigation is over and charge sheet has beenfiled but final conclusion of trial will take considerable long time, I deem it proper to release the applicants on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicants be released on bail upon their **each** furnishing personal bond in the sum of **Rs.1,00,000/- with separate solvent sureties out of which one should be local** in the like amount to the satisfaction of the trial Court for their appearance before the trial Court, as and when

required. They shall abide by the conditions enumerated u/S. 437(3)
Cr.P.C.

C.C. as per rules.

(ANIL VERMA)
J U D G E

BDJ