

**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. 54530 of 2022

BETWEEN:-

**GOVIND S/O SHRI DALLU BHIL,
AGED ABOUT 44 YEARS,
OCCUPATION: LABOR, R/O:
1. VILLAGE KERIYAKHEDI, TEH.
MAHESHWAR, DIST. KHARGONE
(MADHYA PRADESH)**

**SARDAR S/O SHRI BHURALAL
BHIL, AGED ABOUT 29 YEARS,
OCCUPATION: LABOUR, R/O:
2. VILLAGE KERIYAKHEDI, TEH.
MAHESHWAR DISTRICT
KHARGONE (MADHYA PRADESH)**

.....PETITIONERS

(BY MR. SHYAMLAL PATIDAR, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER
THROUGH POLICE STATION
EXCISE P.S. MAHESHWAR, DIST.
KHARGONE (MADHYA PRADESH)**

.....RESPONDENT

(BY MS. HARSHLATA SONI, LEARNED PL)

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

ORDER

Heard. Perused the case-diary.

2. This is first application under Section 439 of Cr.P.C for grant of bail. The applicant is implicated in connection with Crime No.445/2022, registered at Police Station Maheshwar, District Khargone, for the offence punishable under Section 34(2) of Excise Act.

3. The applicant is in custody since 11.10.2022.

4. The allegation against the applicant is that from the possession of applicant 72 bulk litre unauthorized country made liquor has been seized.

5. Counsel for the applicant submits that he has not committed any offence alleged by the prosecution. He is in jail since 11.10.2022. 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.

6. Counsel for the respondent/State, on the other hand, has opposed the prayer and prays for rejection.

7. 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.

8. 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.25,000/- (Rupees Twenty Five Thousand Only)** 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.

9. 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

Anushree

