

**IN THE HIGH COURT OF MADHYA PRADESH**

**AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE PRANAY VERMA**

**ON THE 25<sup>th</sup> OF NOVEMBER, 2022**

**MISC. CRIMINAL CASE No. 55058 of 2022**

**BETWEEN:-**

**BANSHIDAS S/O KAMALDAS BAIRAGI, AGED  
ABOUT 52 YEARS, OCCUPATION: LABOUR  
MAHAVEER COLONY BADNAWAR DISTRICT  
DHAR (MADHYA PRADESH)**

**.....APPLICANT**

***(MS. RINKEY KAUSHAL, LEARNED COUNSEL FOR THE APPLICANT).***

**AND**

**THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE STATION  
BADNAWAR DISTRICT DHAR (MADHYA  
PRADESH)**

**.....RESPONDENTS**

***(SHRI HITENDRA TRIPATHI, G.A. FOR STATE)***

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

**ORDER**

They are heard. Perused the case diary /challan papers.

2. This is the first application under Section 439 of Criminal Procedure Code, 1973, as the applicant is implicated in connection with **Crime** No.696/2022, registered at Police Station Badnawar, District Dhar for offence punishable under Section 34(2) of the M.P. Excise Act.
3. The applicant is in custody since 22.9.2022.
4. The allegation against the applicant is that from the possession of applicant 60 bulk litres of illicit 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 22.9.2022. 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 of the application. He submits that applicant is having one criminal antecedent.

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**

ss/-