

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. 55165 of 2022

BETWEEN:-

1. VINAY S/O SANTOSH JAISWAL,
AGED ABOUT 35 YEARS,
OCCUPATION: BUSINESS, R/O
GRAM ABHDALPUR, DISTRICT
UJJAIN (MADHYA PRADESH)

2. NILESH S/O SANTOSH RATHORE,
AGED ABOUT 34 YEARS,
OCCUPATION: BUSINESS, R/O
MAHESH NAGAR, DISTRICT
UJJAIN (MADHYA PRADESH)

.....APPLICANTS

***(SHRI ANOPAM CHOUHAN, LEARNED COUNSEL FOR THE
APPLICANTS)***

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER
THROUGH POLICE STATION
CHAMAN GANJ MANDI, DISTRICT
UJJAIN (MADHYA PRADESH)**

.....RESPONDENT

***(SHRI VIRAJJ GODHHA, LEARNED PL 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 applicants have filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. They are in jail since 13/11/2022 in connection with Crime No.761/2022 registered at Police Station Chaman Ganj Mandi, District Ujjain (M.P.) for commission of offence punishable under Section 34(2) of the M. P. Excise Act.

As per the prosecution story, the applicants were found to be in joint possession of 80.9 bulk litres liquor unauthorisedly and illegally during the search by police. 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. They have no criminal background. Offence is triable by Judicial Magistrate First Class. Applicants are in jail since 13/11/2022. They are the permanent resident of District Ujjain 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 applicants.

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 13/11/2022; offence is exclusively triable by JMFC; applicants have no criminal antecedents and final conclusion of trial will take considerable long time. Hence, 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.70,000/- (Rupees Seventy Thousand Only)** with separate solvent surety 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.

Certified copy as per rules.

(ANIL VERMA)
J U D G E