

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 25th OF NOVEMBER, 2022

MISC. CRIMINAL CASE No. 55474 of 2022

BETWEEN:-

**NARESH S/O VIJANDRA, AGED ABOUT 35
YEARS, OCCUPATION: LABOUR DEWLDA
TEHSIL GULANA DISTRICT SHAJAPUR
(MADHYA PRADESH)**

.....APPLICANT

***(SHRI KRISHNAPAL SINGH KHICHI, LEARNED COUNSEL FOR THE
APPLICANT).***

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION BERCHA DISTRICT
SHAJAPUR (MADHYA PRADESH)**

.....RESPONDENT

(SHRI HITENDRA TRIPATHI, GOVT. ADV FOR RESPONDENT/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.192/2022, registered at Police Station Bercha, District Shajapur, for offence punishable under Section 34(2) of the M.P. Excise Act.
3. The applicant is in custody since 6.11.2022.
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 6.11.2022. 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.

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/-