

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. 55511 of 2022

BETWEEN:-

**RAVINDRA BHURIYA S/O BHARAT, AGED
ABOUT 20 YEARS, OCCUPATION: LABOUR
VILLAGE THITWA PALASIYA, TEHSIL
BARWAH, KHARGONE (MADHYA PRADESH)**

.....PETITIONER

(MS. RINKEY KAUSHAL, LEARNED COUNSEL FOR THE APPLICANT

AND

**THE STATE OF M.P. STATION HOUSE
OFFICER THROUGH P.S. BARWAH, DISTRICT
KHARGONE (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI HITENDRA TRIPATHI, GOVT. ADV. 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.635/2022 registered at Police Station Barwah, District Khargone, for offence punishable under Section 34(2) of the M.P. Excise Act.
3. The applicant is in custody since 28.10.2022.
4. The allegation against the applicant is that from the possession of applicant 120 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 28.10.2022. 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 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/-** 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/-