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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE RAJENDRA KUMAR (VERMA)**

**ON THE 2<sup>nd</sup> OF DECEMBER, 2022**

**MISC. CRIMINAL CASE No. 56876 of 2022**

**BETWEEN:-**

**SAMEER KHAN S/O IQBAL KHAN, AGED ABOUT 19  
YEARS, OCCUPATION: LABOUR BEGAM BAG COLONY  
UJJAIN (MADHYA PRADESH)**

**.....APPLICANT**

***(SHRI SACHIN PARMAR, LEARNED COUNSEL FOR THE APPLICANT)***

**AND**

**THE STATE OF MADHYA PRADESH THROUGH POLICE  
STATION NEELGANGA DISTRICT UJJAIN (MADHYA  
PRADESH)**

**.....RESPONDENT**

***(SHRI SUDHANSHU VYAS, LEARNED PANEL LAWYER FOR THE  
RESPONDENT/STATE)***

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

**ORDER**

This is the first application filed by the applicant under Section 439 of Criminal Procedure Code, 1973, for grant of bail during trial.

The applicant is facing trial in connection with Crime No.513/2022 registered at Police Station Neelganga, District Ujjain for offence under Section 49(A), 34 of M.P. Excise Act, 1915. Applicant is in jail since 12.09.2022.

As per the prosecution story, on 12.09.2022, on the basis of source information police recovered 5 bulk liters of country made spurious liquor from the possession of the applicant. On the basis of which police registered

the aforesaid crime.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present crime. Investigation is over and charge-sheet has been filed. The applicant is in custody since 12.09.2022 and conclusion of trial will take sufficient long time. Under these circumstances, prayer was made for grant of bail to the applicant.

Learned Panel Lawyer opposed the application and prayed for its rejection.

I have heard the learned counsel for the parties and perused the record.

Looking to the facts and circumstances of the case and the arguments advanced by the learned counsel for the parties, on perusal of the material available on record including the case diary, without commenting on the merits of the case, this application is allowed.

It is directed that the applicant be released on bail on his/her furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial court for securing his/her presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with the provisions of Section 437(3) Cr.P.C.

It is made clear that if in the FSL report it is found that the liquor is spurious then this bail order shall stand cancelled without further reference to this Court and he shall surrender before the trial Court.

This order shall remain effective till the end of the trial, but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

In view of the outbreak of 'Corona Virus disease (COVID- 19)' the

concerned jail authorities are directed to follow the directions/guidelines issued by the Government with regard to 'COVID-19' before releasing the applicant.

Certified Copy as per rules.

**(RAJENDRA KUMAR (VERMA))  
JUDGE**

RJ

