

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

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 30th OF JANUARY, 2023

MISC. CRIMINAL CASE No. 1506 of 2023

BETWEEN:-

**HARJEET SINGH S/O SHRI PARAMJEET SINGH SAINI,
AGED ABOUT 23 YEARS, OCCUPATION: SERVICE 121,
SANT NAGAR NX, KHANDWA ROAD, INDORE AND P.S.
BHANWARKUA, DISTRICT INDORE (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI YOGESH KUMAR GUPTA, LEARNED COUNSEL)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION RAJENDRA
NAGAR, INDORE (MADHYA PRADESH)**

.....RESPONDENT

**(BY SHRI HITENDRA KUMAR TRIPATHI, LEARNED COUNSEL
APPEARING ON BEHALF OF THE ADVOCATE GENERAL)**

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

ORDER

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

This is **FIRST** application under Section 438 of Criminal Procedure Code, 1973 (herein after referred to as the Code) filed on behalf of the applicant for grant of anticipatory bail, as the present applicant is apprehending his / her arrest in connection with Crime No.183/2021 registered at Police Station Rajendra Nagar, Indore, District Indore (MP) for offence punishable under Section 34 (2) of the Madhya Pradesh Excise Act, 1915.

The allegation against the applicant is that of his involvement in the aforesaid case wherein in all a quantity of 162 bulk liters of unauthorized foreign liquor worth Rs.1,65,000/- (rupees one lakh sixty five thousand) has been seized from a vehicle bearing registration number MP-09 CE-6117.

Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the case, as he has nothing to do with the aforesaid offence and only view a view to falsely implicate him, his name is mentioned for the first time, which is also apparent from the charge sheet which has already been filed in respect of other accused persons in which the name of the applicant is nowhere mentioned even in the memo prepared under Section 27 of the Evidence Act. It is submitted that his name as Goldi and there is no alias name mentioned in the memo.

Counsel has also submitted that even otherwise when the application for anticipatory bail was filed by the applicant, a Police Pratedan dated 03.01.2022 has been filed in the trial Court in which the Police has clearly stated that the present applicant is not the person, they are looking for. Thus, it is submitted that in view of the aforesaid Police Pratedan, the applicant is entitled to be released on anticipatory bail, as his custodial interrogation is not necessary.

Counsel for the respondent / State, on the other hand, has opposed the prayer. However, it is not denied that in the Police Pratedan, it is mentioned that the present applicant is not the person who is connected with Crime No.183/2021 registered at Police Station Rajendra Nagar, Indore.

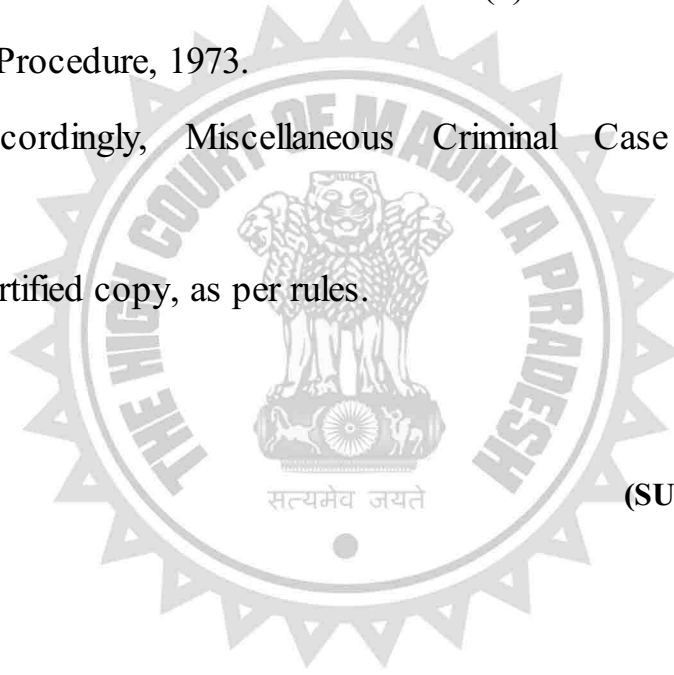
In view of the same, this Court is inclined to allow the present application, as the custodial interrogation of the applicant does not appear necessary and there are no criminal antecedents against him.

Accordingly, the application stands **allowed**. It is directed that in the event of arrest, applicant **Harjeet Singh S/o Shri Paramjeet Singh Saini** shall be released on bail, upon executing a personal bond in the sum of **Rs.25,000/- (rupees twenty five thousand only)** and furnishing solvent surety in the like amount to the satisfaction of the Arresting Officer (Investigating Officer).

The applicant shall make himself / herself available for interrogation by a Police Officer, as and when required. He / she shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

Accordingly, Miscellaneous Criminal Case No.1506/2023 stands **allowed**.

Certified copy, as per rules.



(SUBODH ABHYANKAR)
JUDGE

rcp