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

**BEFORE
HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI
ON THE 25th OF MAY, 2023**

MISC. CRIMINAL CASE No. 21932 of 2023

BETWEEN:-

**GOPIYA S/O KESARIYA DODWE BHIL, AGED ABOUT 22
YEARS, OCCUPATION: LABOUR WEAR HOUSE KE PASS
NISARPUR TEHSIL KUKSHI DISTRICT DHAR (MADHYA
PRADESH)**

.....APPLICANT

**(SHRI PRAVIN KUMAR NEWALKAR, LEARNED COUNSEL FOR THE
APPLICANT)**

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION KUKSHI, DISTRICT DHAR (MADHYA
PRADESH)**

.....RESPONDENT

**(SHRI AMIT RAWAL, LEARNED GOVERNMENT ADVOCATE FOR THE
RESPONDENT/STATE)**

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

ORDER

Case diary is perused.

Learned counsel for the rival parties are heard.

The applicant has filed this first application u/S. 439, Cr.P.C. for grant of
bail.

2 . The applicant has been arrested on 01.05.2023 by Police Station
Kukshi, District Dhar (M.P.), in connection with Crime No.314/2023 registered
in relation to the offence punishable under Section 34(2), 34(1) of the

M.P.Excise Act.

3. Allegation against the applicant in short is that 60 bulk liters of country made liquor was seized from the illegal joint possession of applicant and co-accused persons. On the basis of the aforesaid, crime has been registered.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated. The offence is triable by JMFC. He is in custody since 01.05.2023. He has no criminal antecedents. Conclusion of trial is likely to take time. The applicant is a permanent resident of District Dhar and there is no likelihood of his absconsion or tampering with the prosecution evidence and he is ready to abide by the terms and conditions as may be imposed. With the aforesaid submissions, prayer for grant of bail is made out.

5 . Learned Government Advocate for the State has opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

6. However, it would not be desirable to enter into the merits of the rival contentions at this juncture.

7. Considering the overall facts and circumstances of the case coupled with the fact that the trial is not likely to conclude in near future and prolonged pre-trial detention being an anathema to the concept of liberty, this Court is inclined to extend the benefit of bail to the applicant.

8. Accordingly, without expressing any opinion on merits of the case, this application is **allowed** and it is directed that the applicant **Gopiya** be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the like amount to the satisfaction of the trial Court for his appearance on the dates given by the

concerned Court.

9. This order will remain operative subject to compliance of the following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. **The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically, without further reference to the Bench;**
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the trial court concerned for compliance.

(S. A. DHARMADHIKARI)
V. JUDGE