

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. 21942 of 2023

BETWEEN:-

1. SHOEB KHAN S/O SHEROO KHAN, AGED ABOUT 22 YEARS, OCCUPATION: LABOURER R/O VILLAGE HIDI TEHSIL NAGDA DISTT. UJJAIN (MADHYA PRADESH)
2. RAHUL S/O GANGARAM JI RAJPUR, AGED ABOUT 23 YEARS, OCCUPATION: LABORER R/O AGAR, TEHSIL AGAR, DIST. AGAR MALWA (MADHYA PRADESH)

.....APPLICANTS

(SHRI MAKBOOL AHMAD MANSOORI, LEARNED COUNSEL FOR THE APPLICANTS)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MAHIDPUR ROAD DISTT. UJJAIN (MADHYA PRADESH)

.....RESPONDENT

(SHRI AMIT RAWAL, LEARNED COUNSEL 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 applicants have filed this first application u/S. 439, Cr.P.C. for grant of bail.

2. The applicants have been arrested on 26.04.2023 by Police Station

Mahidpur road, District Ujjain (M.P.), in connection with Crime No.57/2023 registered in relation to the offence punishable under Section 34(2) of the M.P.Excise Act.

3 . Allegation against the applicants in short is that 70 bulk liters of country made liquor was seized from the illegal joint possession of the applicants. On the basis of the aforesaid, crime has been registered.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated. The offence is triable by JMFC. They are in custody since 26.04.2023. Conclusion of trial is likely to take time. The applicants are permanent resident of Districts Ujjain and Agar Malwa and there is no likelihood of their absconsion or tampering with the prosecution evidence and they are 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 applicants.

8. Accordingly, without expressing any opinion on merits of the case, this application is **allowed** and it is directed that the applicants **Shoeb Khan**

and Rahul be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only) each** with one solvent surety each of the like amount to the satisfaction of the trial Court for their 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 applicants will comply with all the terms and conditions of the bond executed by him;
2. The applicants will cooperate in the investigation/trial, as the case may be;
3. The applicants will not indulge themselves 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 applicants 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 applicants will not seek unnecessary adjournments during the trial; and
6. The applicants 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