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

**BEFORE
HON'BLE SHRI JUSTICE ANIL VERMA**

ON THE 25th OF MAY, 2023

MISC. CRIMINAL CASE No. 22581 of 2023

BETWEEN:-

**BALRAM S/O PARWANIYA KANJAR, AGED ABOUT 45
YEARS, OCCUPATION: FARMER R/O GRAMDAYAKHEDI
PS LIMA CHOUHAN RAJGARH (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI YASHRAJ GUPTA - ADVOCATE FOR THE APPLICANT)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION LIMACHOUHAN
DISTT. RAJGARH (MADHYA PRADESH)**

.....RESPONDENTS

***(BY SMT. VARSHA SINGH THAKUR - GOVERNMENT ADVOCATE FOR
THE RESPONDENTS STATE)***

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

ORDER

Heard on **I.A. No.7567 of 2023**, which is an application for ignoring defects.

Since no defect has been pointed out by the registry, therefore, IA No.7567of 2023 is disposed off.

Also heard on **IA No. 7575 of 2023**, which is an application for hearing on urgent basis during summer vacation.

On going through the application, the same is allowed.

Applicant has filed this first bail application under Section 439 of the

Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail relating to Crime No.62/2023 registered at P.S. Lima Chouhan, District Rajgarh (M.P.) for commission of offence punishable under Section 34(2) of M.P. Excise Act. He is in jail since 14.05.2023.

As per prosecution story, police received a discrete information from the informant that the present applicant is carrying out business of some illicit liquor from his residence.. Acting upon said information, police party reached on the spot and searched the house and 80 bulk liters of country made liquor was recovered from his shed, the present applicant has been implicated in this offence. Accordingly, a case has been registered.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. He further submits that there is no legal evidence available on record to connect the applicant with the aforementioned offence and no further custodial interrogation is required. Applicant is in jail since 14.05.2023. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned counsel for respondent/State opposes the bail application and prays for its rejection by submitting that five criminal antecedents have been found against the present applicant. He is a habitual offender. Hence, he does not deserve for bail.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that the applicant is in jail since 14.05.2023; offence is exclusively triable by JMFC and final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of Rs.75,000/- (Rs. Seventy Five Thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

Certified copy as per rules.

rashmi



(ANIL VERMA)
V. JUDGE