

**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. 22587 of 2023

BETWEEN:-

1. **HARIOM S/O SHANKARLAL, AGED ABOUT 20 YEARS, OCCUPATION: LABOR R/O GRAM KANADIYA INDORE (MADHYA PRADESH)**
2. **SURENDRA JAISWAL S/O RAMLAKHAN JAISWAL, AGED ABOUT 43 YEARS, OCCUPATION: LABOR MAKAN NO., WARD N 172, DOUBLE CHOWKI, DEWAS (MADHYA PRADESH)**

.....APPLICANTS

(BY SHRI RAVI SAGRE - ADVOCATE FOR THE APPLICANTS)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION SANWER DISTT. INDORE (MADHYA PRADESH)

.....RESPONDENTS

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

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

ORDER

Heard on **I.A. No.7577 of 2023**, which is an application for ignoring defects.

Since no defect has been pointed out by the registry, therefore, **IA No.7577 of 2023** is disposed off.

Applicants have filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of

regular bail relating to Crime No.274/2023 registered at P.S. Sanvare, District Indore (M.P.) for commission of offence punishable under Section 34(2) of M.P. Excise Act. Applicants are in jail since 10.05.2023.

4. As per the prosecution, 169 bulk liter unauthorized country made liquor was seized from the possession of the applicants without any valid licence. On investigation and recording of their statements the applicants have been implicated and arrested for the present offence.

5. Counsel for the applicants submits that the applicants have not committed any offence alleged by the prosecution. They are in jail since 10-05-2023. Investigation is complete and challan has been filed. Final conclusion of trial is likely to take sufficient long time and material produced by the prosecution appears to be insufficient against them. Therefore, the applicants be released on bail.

6. Counsel for the respondent/State, on the other hand, has opposed the prayer and prays for rejection of the application.

7. After considering the rival submissions made by the learned counsel for the parties and going through the case diary, in the opinion of this Court looking to the amount of liquor seized from the possession of the applicants and the period of custody already undergone by them, it is a fit case for grant of bail.

8. Accordingly, without commenting on the merits of the case, the application filed by the applicants is allowed. The applicants are directed to be released on bail upon furnishing a personal bond in the sum of Rs.70,000/- (Rupees Seventy Thousand Only) each with one solvent surety each of the like amount to the satisfaction of the trial Court for their regular appearance before

the trial Court during trial with a condition that they shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

9. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(ANIL VERMA)
V. JUDGE

rashmi

