

**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. 22716 of 2023

BETWEEN:-

**MUKESH S/O MALSINGH BHABHAR, AGED ABOUT 22
YEARS, OCCUPATION: LABOUR NAHARPURA THANA
BORI TEHSIL JOBAT, DISTRICT ALIRAJPUR (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI VISHAL PATIDAR - ADVOCATE FOR THE APPLICANT)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION DALOUDA
CHOUKI KACHNARA DIST. MANDSOUR (MADHYA
PRADESH)**

.....RESPONDENTS

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

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

ORDER

1. They are heard. Perused the challan papers.
2. This is the First application under Section 439 of Criminal Procedure Code, 1973, as the applicant is implicated in connection with Crime No.104/2023 registered at Police Station Dalouda Chouki Kachnara, District Mandsaur (MP) for offence punishable under Section 34 (2) of M.P Excise Act.
3. The applicant is in custody since 25-03-2023.

4. As per the prosecution, 60 bulk liter unauthorized country made liquor was seized from the possession of the applicant without any valid licence. On investigation and recording of his statement the applicant has been implicated and arrested for the present offence.

5. Counsel for the applicant submits that he has not committed any offence alleged by the prosecution. He is in jail since 25-03-2023. 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 him. Therefore, the applicant 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 as the applicant is having three criminal antecedents but all are under I.P.C.

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 applicant and the period of custody already undergone by him, it is a fit case for grant of bail.

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

rashmi

(ANIL VERMA)
V. JUDGE

