

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 30th OF JANUARY, 2023

MISC. CRIMINAL CASE No. 2450 of 2023

BETWEEN:-

RAHUL S/O NARAYAN NARVAL, AGED ABOUT 24 YEARS, OCCUPATION: LABOURER BHICHOLI, TEHSIL MHOW DISTRICT INDORE. (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SUBODH CHOUDHARY - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH EXCISE CIRLLE MHOW 9DR. AMBEDKAR NAGAR,) DISTRICT INDORE. (MADHYA PRADESH)

.....RESPONDENTS

(BY MS. VARSHA THAKUR GA)

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

ORDER

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 401/2022 registered at P.S – Dr. Ambedkar Nagar, Mhow , District-Indore (M.P.) for commission of offence punishable under Sections 49-A of M.P. Excise Act.

As per prosecution story, 5 - 5 bulk liters each poisonous liquor was recovered from the joint possession of present applicant and co-

accused Devkaran. Accordingly, the aforementioned offence was registered and they were arrested.

Learned counsel for the applicant contended that applicant is innocent and has been falsely implicated in this offence. There is no legal evidence available on record to connect the applicant with the aforementioned offence. Investigation is almost over therefore, no further custodial interrogation of the applicant is required.. Applicant is in custody since 27/08/2022 He is permanent resident of District-Indore. There is no apprehension of his fleeing away from the court of justice. Final conclusion of trial shall take sufficient long time. Co-accused Devkaran has already been enlarged on bail by this Court vide order dated 13/12/2022 passed in MCRC no. 58100/2022. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

Per-contra, learned PL for respondent – State opposes the bail application and prays for its rejection by stating that three criminal antecedents have been found against the applicant; he is habitual offender, therefore, he does not deserve for bail

Perused the impugned order of the trial Court as well as the case dairy.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the fact that co-accused Devkaran has already been enlarged on bail by this Court; the applicant is in custody since 27/08/2022; investigation is almost over and possibility of delay in conclusion of the trial cannot be ruled out, in view of the evidence available on record, I deem it proper to release the accused / 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 on his furnishing personal bond in the sum of **Rs. 70,000/- (Rs. Seventy 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 all the conditions enumerated u/S. 437(3) Cr.P.C.,

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also. 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)
J U D G E

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