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

**BEFORE  
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 24<sup>th</sup> OF JANUARY, 2023**

**MISC. CRIMINAL CASE No. 3963 of 2023**

**BETWEEN:-**

**ISHU @ AYUSH S/O MAHENDRA SINGH, AGED ABOUT 23  
YEARS, OCCUPATION: LABOUR BHIL COLONY,  
MUSAKHEDI, DIST. INDORE (MADHYA PRADESH)**

**.....APPLICANT**

**(BY SHRI S.K. GUPTA, ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH STATION HOUSE  
OFFICER THROUGH POLICE STATION AZAD NAGAR,  
INDORE (MADHYA PRADESH)**

**.....RESPONDENTS**

**(BY SHRI AKASH SHARMA, G.A.)**

.....

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

**ORDER**

They are heard. Perused the case diary / challan papers.

This is first bail application filed by the applicant under Section 439 of Cr.P.C. as he is implicated in connection with Crime No.15/2023 registered at Police Station Azad Nagar, District Indore (MP) for offence punishable under Section 49-A of the Madhya Pradesh Excise Act, 1915. The applicant is in custody since 04/01/2023.

As per prosecution story, the applicant was found in possession of 5 bulk litres of spurious liquor.

Counsel for the applicant has submitted that the applicant has been

falsely implicated in the case only because of his past record as he has been involved in 3 cases of Excise Act and one of Arms Act from the year 2020 to 2021 and prior to the incident, he was already undergoing treatment regarding his injury of his knee, the documents regarding which have also been placed on record, however, in the FIR, it is mentioned that the applicant ran away from the spot. It is further submitted that the FIR is lodged on 04/01/2023 whereas the documents of treatment are of 22/12/2022. Thus, it is submitted that it is apparent that the applicant has been falsely implicated in the case. Therefore, it is prayed that the application be allowed and the applicant be released on bail.

Counsel for the respondent / State, on the other hand has opposed the prayer and it is submitted that looking to the criminal antecedents of the applicant, no case for grant of bail is made out.

Having considered the rival submissions, perusal of the case diary as also the documents filed on record and taking note of the fact that the applicant is already injured and lodged in jail since 04/01/2023 and the other facts and circumstances of the case with the fact that the final conclusion of the trial is likely to take sufficient long time, without reflecting anything on the merits of the case, the application filed by under Section 439 of Cr.P.C. on behalf of the applicant is hereby allowed.

The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.25,000/-** (rupees twenty five thousand) with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she 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.

Certified copy as per rules.

**(SUBODH ABHYANKAR)**  
**JUDGE**

krjoshi

