

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 29th OF SEPTEMBER, 2023

MISC. CRIMINAL CASE No. 43476 of 2023

BETWEEN:-

**AJAY S/O RAMAVATAR CHOUHAN, AGED ABOUT 35
YEARS, OCCUPATION: TAILORING R/O BAROLI
BANGANGA POLICE STATION INDORE (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI DHARMENDRA YADAV - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
BANGANGA INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(BY SMT. VARSHA SINGH THAKUR GA A)

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

ORDER

This is the first application filed by the applicant for grant of regular bail under section 439 of the Code of Criminal Procedure, 1973 relating to FIR No. 1360/2023 registered at P.S- Banganga, Indore for the offence under section 34(2) of M.P. Excise Act.

2/ As per prosecution story, the applicant was found in possession of 108.65 bulk liters liquor without having any valid licence. Accordingly, the aforementioned offence was registered and he was arrested.

3/ Learned counsel for the applicant contended that applicant is innocent and has been falsely implicated in this offence. Applicant is in custody since 26/08/2023. He is permanent resident of District-Indore.. Final conclusion of trial shall take sufficient long time. Co-accused Radhabai has already been enlarged on bail by this Court vide order dated 19/09/2023 passed in MCRC no. 40499/2023 in similar circumstance. Hence, he prays that the applicant be released on bail.

4/ *Per-contra*, learned counsel for respondent – State opposes the bail application and prays for its rejection, by stating that one criminal antecedent has been found against the applicant.

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

6/ 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 Radhabai has already been enlarged on bail by this Court vide order dated 19/09/2023 in similar circumstance. the applicant is in custody since 26/08/2023 and final conclusion of trial shall take sufficient long time, in view of the evidence available on record, I deem it proper to release the accused / applicant on bail.

7/ 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.

8/ He shall abide by all the conditions enumerated u/S. 437(3) Cr.P.C.,

9/ 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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